G.R.S. 57.]

Legis **File No.** 5 of 1905-6

**Serial Nos.** 3-12

**1905-06**

Later References :-
Legis 13-11
SCS 1-19 A Oct: 1914
Revis 29-14-4-16
Revis 12-16-1
Genl 41-24-1, 3-8

# GENERAL AND REVENUE SECRETARIAT.

( Legislation )

*Part A: Manuscript*
*for* August 06

## Serial Nos.

Subject
Amendment of the Mysore Mines Regulation
IV of 1897

Table of Contents

Sl. No.

3 Cir. Prol 171 of 5/9/05 to the 1st Asst to the Hon'ble the Resident in Mysore
Forwards copies of the draft Regulation as amended as of statements of objects and reasons prepared in connection therewith and requests that the sanction of the Government of India may be obtained for its being passed into law

CPB 15,000—20-3-06.

4. No 5390 of 21/9/05 From the 1st A. Resident
Returns the draft with certain remarks and suggestions

R. S. 11

1905. 06.

GENERAL AND REVENUE SECRETARIAT.

( Legislative

NOTES.

File No. 5

FILE HEADING.

Amendment of Mysore Muzrai Regulation
IV of 1857

From

| No. | Dated | Received |
|---|---|---|
| Diary No. | Enclos. | Spare Copies. | Serial No. |

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

NOTES—First sheet.

IGOPB—30,000—17-2-05

No. 1358

[M. G. D. 22]

MYSORE

GEOLOGICAL DEPT.

---

TO THE DEWAN OF MYSORE

FOR ORDERS.

SUBJECT:— Amendment of the Mysore Mines Regulation III of 1897.

In accordance with your instructions on my memo No. 111, dated the 14th February 1905, I prepared a draft of an amended Mines Regulation to replace sections 1 to 10 of the existing Regulation embodying the suggestions and amendments proposed in the letter of February 11th 1905 from the Kolar Gold Field Mining Board.

This draft (Draft I) I forwarded to Mr. Chandrasekhara Aiyar Deputy Secretary for favour of his opinions and suggestions and received the same back from him with his letter No. J. 2502 of the 1st of March 1905.

I have adopted the alterations and suggestions made by Mr

rowing trade in gold and auriferous material stolen from the Kolar mines and in para 14 of his letter he sums up by saying:

"In the light of the above observations I consider that the additional provisions embodied in the draft amended Regulation are not conceived in harsher lines than the necessities of the case demand".

In paras 15 and 16 of the same letter the Deputy Commissioner himself proposes certain amendments which may, I think, be finally ~~delat~~ dealt with in the Legislative Department.

I have provided for these in the final draft.
M
L.S.C

So far then we have the request of the Kolar Gold Field Mining Board for further legislation with suggestions as to points of detail upon which such legislation is required and with a statement of the reasons which have induced the Board to prefer their request. We have also the approval of the Deputy Commissioner of Kolar, the Superintendent of Police of the Kolar Gold Field and the Kolar Gold Field Mining Board, of Draft II which I have drawn up in consultation with Mr. Chandrasekhara Aiyar as a revised

measure to be substituted for the first 20 sections of the existing Regulation.

It remains now for me to state my own opinion in the matter and to set forth some explanation of the various clauses which have been embodied in Draft II after which, I presume, the Draft will be circulated to the Council and finally dealt with in the Legislative Department where a formal statement of objects and reasons will be prepared for submission to the Government of India.

I entirely agree with the Mining Board and with the Deputy Commissioner and Superintendent of Police as to the need for further legislation for the protection of mining property. My own experience during the past seven years has shown me that there is a very large leakage of gold from the Kolar Field and I am convinced that the leakage will increase unless sufficiently repressive measures can be found to check it. The first step obviously is to render the removal of gold from the mining area as difficult as possible and it is the object of the

proposed amended Regulation to effect this. The existing Regulation has undoubtedly proved useful in that it prohibits the possession within the mining area, of such obvious mining materials as sponge gold, amalgam, auriferous quartz &c. and that it provides for the licensing of goldsmiths. It fails however as soon as any of these auriferous materials have been converted into bar gold and the result is that the gold thieves are careful now to convert the stolen material, by cleaning and melting, into bar gold as soon as possible. Once this has been done it requires a long, tedious and expensive analysis to show that such bar gold is mining property and even when this has been done the evidence as to the character of the gold, which is of a very technical nature, frequently fails to appeal with sufficient weight to the Court. To remedy this grave defect the amended Regulation proposes to make the possession of bar gold illegal within the mining area except under cover of a license. This will go a long way towards making the illicit traffic in gold more difficult and cannot

in itself be regarded as an unduly repressive measure. There is no good reason why persons residing within the mining area should possess or deal with bar gold - or more generally with "unwrought gold" which is the term used in Draft II - unless such person is either a goldsmith or a gold dealer and these latter, if they wish so to deal, can do so under a license and if they elect to reside within the mining area they can have no reasonable grounds for objecting to take out a license and to keep proper accounts and registers.

In thus restricting the possession of, and dealing with, unwrought gold we shall only be following the example set by other countries where such special restrictions have been adopted side by side with, and in addition to, ordinary British Law. Such countries are the Transvaal, and some of the Australian colonies.

In the Transvaal the law at present in force is XV of 1898 and I enclose an extract from the Draft Ordinance which is now to be introduced into the Transvaal

Legislative Council in supersession thereof and which covers practically the same ground (See enclosure 1).

× Paper with Slip "I"

In Western Australia the Mining Act of 1904 - Part IX - also prohibits the dealing in gold except under license (see copy enclosed, enclosure 2) and the Bill ~~institutes~~ intituled "an Act to further amend the Police Act, 1902," ~~which~~ provides further restrictions as to possession (see copy enclosed, enclosure 3). In Victoria "An Act to license gold buyers" - No. 1780 - prohibits the dealing in unwrought gold except under license (see copy, enclosure 4).

× Paper with Slip "J"

× Paper with Slip "K"

× Paper with Slip "L"

There is thus plenty of precedent in English speaking countries for restricting the possession of and dealing in "unwrought gold" and these restrictions apply to the <u>whole area</u> of the countries concerned, whereas in Mysore we are at present restricting the legislation to a small area surrounding the Kolar Gold Field the whole industry of which is essentially dependent on the gold mining industry.

8

The actual restrictions proposed are contained in sections 7 to 12 inclusive of Draft II and include nothing for which ~~this~~ is not a precedent elsewhere and nothing which can be considered as unduly hampering any legitimate trade which may exist in the mining area.

The next important point has reference to the liability of persons in whose possession or in whose premises unwrought gold or mining materials are found and the clauses chiefly affecting this are to be found in sections 13 and 17 of Draft II.

These clauses are of the utmost importance and without them the sections which prohibit the possession of unwrought gold and mining materials must remain largely inoperative as is at present the case with the existing Regulation.

On this point the opinion of the Deputy Commissioner of Police, as expressed in paras 4 and 11 of his letter No. C 536 of April 1905, is most valuable and it is well known that mining materials are frequently found in the huts of police

one and the present loss to the mining Companies and to Government is very considerable and is likely to increase unless checked, the area to which it is to be restricted is very small and there is ample precedent for all that has been asked for in other countries in which British Law prevails and where the persons directly affected are themselves British subjects.

I shall be obliged if the enclosures sent herewith are kindly returned to this office when done with.

W. Jarrett

Bangalore,
4th May 1905

Secretary to
Govt., Geol.
Dept.

N.N.

6594/18.5.05.

12

who can evade the law with impunity by simply denying possession. Sections 16 and 17 of Draft II provide in some measure against this undesirable state of affairs by permitting the Magistrate to throw the burden of proof upon the person or persons who are reasonably suspected of possessing or dealing in prohibited materials. The mere fact that the Court is empowered to adopt such a course, even though the power is never exercised except in flagrant cases, will undoubtedly form a very efficient safeguard and will clear the huts of the mining coolies of most of those illicit materials which they are at present known to contain and which are housed there almost with impunity. Equally stringent measures have been found necessary elsewhere as shown by sections 2 to 5 inclusive of the "Act to further amend the Police Act, 1892" of Western Australia (enclosure 3).*

* Paper with Slip "K"

Section 18 of Draft II aims at the weeding out from the mine area of the numerous loafers, budmashes and undesirable characters who have no legitimate occu-

pation and who are for the most part well known to the Police. The huts on the mining blocks and the Coolie Colonies on Government land are put up for the accommodation of those engaged in mining operations. It is difficult enough to find decent accommodation for all of these without having to provide for a number of persons who are not required in connection with legitimate mining work and who are probably engaged in crime. That such persons should be liable to be ordered off these premises is a most reasonable request to which, I think, no objection can be offered.

Sections 19, 21 and 22 of Draft II are, I think, all very reasonable and do not call for special comment.

In conclusion I trust that Government will give this matter their most favourable consideration and will obtain early sanction from the Government of India for the introduction of the amended Regulation. The amendments proposed have been very carefully considered and have the approval of those most intimately acquainted with the mines, both official and non-official, the need for some special legislation is astonishing

G.R.S. 13]

8

## Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

3. The Geological Dep't notes that further orders have to be taken in the Dep't before the measure can be put in operation; e.g. the incorporation of the remaining portions of the existing Mines Regs., the preparation of a Staff of Directors Reports, etc; nor to mention that of making a few typed or printed copies.

In this there is no time now (between this & the date of the Council meeting, tomorrow).

If, nevertheless, circulation is ordered, it will be effected

Lees 4.7.05

4. Thanks. Please kindly complete it - We may then circulate for the next Meeting

4.7.1905

5.7.05 I have tried to compile the Regs & the Staff of Dirs Reports within the limited time at my disposal.

6. If the matter comes up at Wednesday's meeting, Mr Brune will be present

N. B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

MGCPB—30,000—20-2-05

## Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

9

9. Minutes copies have been received just now.

May the file be ~~circulated~~ sent to the 1st Councillor with a request that it may be passed on to the 2nd Councillor after perusal, & then brought up at tomorrow's meeting?

Spare copies of the Depn & Draft will be submitted separately to each Councillor.

W. S. Thompson
11.7.05

10. Yes please

W. S. Thompson
11.7.1905

Circulated for tomorrow's meeting to the First Councillor
Second Councillor.

W. S. Thompson
11.7.05

12. Seen & noted on one copy of the Draft Regulation with Statement of Objects & Reasons attached. C.I.S. 11.VII.1905. 4.45 P.M.

Ramaswamy
11-7-05.
8-45-P.M.

13. Seen
11/7/05
Evening 9.30 P.M.

14. Draft Regn considered & passed at the Council meeting of Saturday the 22nd July 1905. In order to enable further to frame rules, the Draftsman, the Secretary to Depn, & the

N. B. Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

G. R. S. 13

J Mis 26 10

G.R.S. 13]

## Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

D^y Cen^r, Mdas, have to see
Wise Officers
invited. Two drafts are
subs for appl
C) Ledr 24.7.05

Passed
24.7.1905

Printed copies of the Draft
Regs as passed in Council
and of the revised Statt of Objects
& Reasons have just been
received from the Press—
6 copies of each have to be
submitted at once to the Secretary
as desired by him
at the Council meeting.

One copy of each will be
sent separately to the Asst
Councillor—

25.7.05

Six copies have been
submitted to the Secretary
Rahim
25.7.1905

Pass
26/7/05

N. B.—Should routine notes be written on small Slips, the notes must be copied, or slips pasted on this form.

MGC PB—50,000—22-9-04

11 2
28

*Submitted to His Highness.*

15. The accompanying draft letter to the Residency for obtaining the sanction of the Government of India to the draft Mining Regulation, may be graciously approved. The additions and modifications suggested on the occasion of the Hon'ble Mr. Hewett's visit to the Gold Field are also embodied. Regarding Section 22 also there was discussion. It is however desirable to leave it as it stands and discuss the question of the claims of the Mining Board or of the Proprietors of the Mines to the gold produced before Criminal Courts, separately 16 when it is raised. The concluding para of the draft gives expression to this idea, and specifies the reasons also.

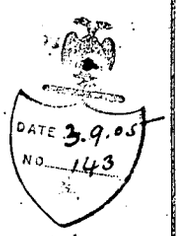
Record No. 4
8-8-06

28.VIII.03

**Record of Case submitted for the orders of His Highness the Maharaja.**

## *Subject.*

Draft Mysore Mines Regulation.




## *Order.*

16. Approved

~~KRW~~

1/9/05

17

Note. There are two Govt. Department files with this.

Read 4-9-05

G.R.S. 12]

General and Revenue Secretariat.

Leg File No. 5 of 1905 - 1930

| | Serial No. | |
|---|---|---|
| | 3 | To the Sec to the Govt of the Nilgiris Ry see 18. Pd 171 of the 5th Sept 05. Forwards copies of the Draft Regns as well as of statements of objects and reasons prepared. Comments thereon & requests that the sanction of the Govt of India may be obtained for it being passed into law |
| W | 4 | From the Same Ry see 18. 5350 of 21/5/05 Returns the draft with certain remarks & suggestions. |

The following remarks are offered:-

1) After words in Cl. 3 (2), instead of "marked with the mark of the Mint", the Resident proposes "marked with the distinguishing mark of the Mint"

2) In clause 5, the addition of "or in revision" is proposed after "an appeal" in line 7.

3) The framing of a special clause to meet the case of Corruption on the part of Mint employes & the inclusion thereof in the Regulation

4) The omission of clause 12.

Submitted for orders

MGS 25/7/05 - MK 25-7-05

1. The first two, which are formal changes, may be accepted. The third is not quite necessary; & the

NOTE.—Contn. sheet.

Serial No.

leaves addressed can be continued. But it is hardly worth doing so, since no question of principle is involved but merely a question as to ~~the proper~~ arrangement. I have now prepared a fresh clause providing for the prevention of complaints letters from misconduct on the part of employés, not only of the mining companies but also of Government & of the Sanitary Board. (An instance of bribery on the part of a Sanitary Inspector came recently under notice). The new provision may take the place of section 22, to be omitted in deference to the advice of the Resident. 10

PS. The alterations are all shown in the annexed copy of the despatch. The despatch of a reply to the ~~H~~ Resident is also put up. As many copies of the despatch are now available, it will have to be reprinted.

Sd/ 26 Sept.

Sl no: 5

Draft

~~Sd~~ Submitted to the Dewan Sahib. Thro the Sl. & 2 Commissioners

E B R V
27. 9. 1905

502
27-9-05.

NOTE.—Contn. sheet.

Serial No.

2. The first two are of a light verbal addition & may be made

3. The proposed omission of section 22 is important. The President refers to the view taken at Kalat, and promises to elaborate his views in a further communication. Pending & further investigation this section may perhaps be omitted tho' I respectfully submit that in my opinion it is not open to any weighty objection.

4. In lieu of section 22 a new section in regard to Subsidiary Treaties has been suggested by the Dy Secretary with whom I agree & it meets the objection taken by the Hon'ble the Resident to clause (2) of section 23

To Committee

30.9.05

30/9/05

5. The alterations and omissions now made are in accordance with the

NOTE.—Contn. sheet.

Legis-5/1905-06 8

1734

*Submitted to His Highness.*

St no 5 The enclosed draft letter with tendency may be approved. The alterations suggested by the Hon'ble the Resident have been carried out & the draft Licensing Regulation amended accordingly

22.X.05

St no 4

Legis 5 of 05-06

1835

Record of Case submitted for the orders of His Highness the Maharaja.

*Subject.*

DATE 23.10.05 NO. 281

Draft to Residency regarding certain alterations to the Draft Mysore Mines Regulation.

*Order.*

29. Approved

~~KRW~~

24/10/05

28. Issue

25.X

Issue

Read 28-10-05

27.10.05

29. The draft Regn has to be deputed. Vide letter of our reply to the Resy. Putting a requisition to the Govt. together with a clean copy of the revised Regn.

24/10

Regn

G.R.S. 12]

General and Revenue Secretariat.

Leg File No. 5 of 1905-06. 19/36

Serial No.

30. Draft to the Supdt. Govt. Press and
SW 28/11/05 Typist

31. Sent at once W.S.C. 28/11/05

Copies received from there on 7-11-05 at 4-15 PM

5. To the 1st Asstt to the Hon'ble the Resident
Nepdse — PoC. 355 dated 8.11.05.
Sl no 5 Forwards the draft Regulation with
the alteration &c as suggested above

6. From the Secretary Mysore
Letter No. 6785 of the 18.11.05
Sl no. 6 offers a suggestion for the modification
of clause 22 of the Revised draft

32. Dewan's order on the letter:—
"Adopt the suggestion
& send a reply immediately.
(Init) P. N. K
24-11-05.

33. Submitted a Draft accepting the modification
suggested. The Statement of Objects & Reasons will
have to be modified to suit the terms of the
modification proposed & accepted.
WS. H.S
26/11/05 —

34. Subt for order. Para 11 of the Statement of Objects & reasons
and section 22 of the Draft Regulation have been altered as suggested by the Resident. Both of them
after approval may be forwarded to the Govt Press
for being reprinted and clean Copies forwarded
to the Residency. (Spare Copies of the Regulations & the
SW 25/11/05 Statement of objects & reasons are placed at the bottom of the file)

35. Subt to the Secretary with drafts
26.11.05

Note—Contn. sheet.

MGCPB—50,000—17-2-05

G.R.S. 12]
General and Revenue Secretariat.

2/50

File No. 5 of 1905-06

| Serial No. | |
|---|---|
| 8 | From<br>The Secretary to Govt:<br>Geological Dept:<br>Letter no: 2607 & 6.6.06<br>States that the words "in or about the mine" after the word "operations" in Section 22 of the Amended Draft of the Mysore Mines Regn, have been omitted inadvertently and that there is a small clerical error in line 5 of the same section which can be rectified by deleting either the words "or persons" or "who is" & "is". |
| 37. | Subd: for orders, with the necessary corrections in the Draft of the Mysore Mines Regn<br>C.R.D. 15.6.06 |
| | 38. The alterations required by the Secretary, Geological department were ? formerly suggested by the Deputy Secretary and, in his letter dated 9-9-05 of the Secretary, Geo. Depart. were communicated thereon. It is not clear why they were omitted in the draft Mysore Mines Regns. The other alteration is purely grammatical.<br>For orders<br>NLL 15-6-06 |
| | 39. The last draft of section 22 was made entirely by the Residency, vide first Assistant |

X Reg (2) page 3 Notes

Φ do. page 4

NOTE—Contn. sheet

GPB—50,000—2-06.

G.R.S. 12]
General and Revenue Secretariat.

Legis File No. 5 of 1905-06.

Serial No.

8 no. 6

Resident's letter No 6785 dated 18 Nov: 1905. This was received with the following order passed by the Dewan:- 'Adopt the suggestion & send a reply immediately'.

40. The necessary action thereupon was taken by me in the absence of both the Deputy Secretary and the Secretary. The paper book now put up and marked A was then not in this file and I had no opportunity of reading the papers referred to in the Sup[t]'s note.

41. The Residency draft of the section is based on rules 182 & 183.

42. No reply has been received from the Resident to the letter dated 1st Feb. 1905 submitting the revised draft. The amendments suggested may be communicated in continuation of that letter.

Subd to the Secretary
16.6.06

43 Vide corrections made & initialled before in the 22nd page of the Draft.

44. Please prepare a draft letter to the Resident, explaining the reasons for the changes (esp: the one relating to the inserting of the words "or in or about a mine.")

Draft subd,

* vide Page B

NOTE—Contn. sheet

GPB—50,000—23-10-05

G.R.S. 12j
General and Revenue Secretariat.

File No. 5 of 1906

Serial No.

May a corrected copy of the draft Regulation be forwarded to the Residency?

CRD 5.7.06. The Residency has been supplied with 2 copies in which these corrections may be inserted.

Orders

RR 5.7.06. 45. Draft submitted

H. Hartham 5.7.06

Subd. 45. Before the file was submitted to the Secretary, the following letter was received from the Residency.

CRD 7.7.06

9 From The First Assistant to the Hon'ble the Resident in Mysore

Paper under disposal

Letter No: 3851 dated the 5th July 1906.

Communicates that the draft Mysore Mines Regulation is sanctioned by the Government of India subject to certain conditions specified therein.

45. Subd for orders.

CRD 7.7.06.

RR 7-7-06 47. The draft Regn has been sanctioned by the Govt of India subject to the conditions that clauses 17 & 22 are omitted. & that

the letter to the Residency requesting that certain

NOTE—Contn. sheet

GPB—50,000—23-10-05

G.R.S. 12]
General and Revenue Secretariat.

Legis File No. 5 of 1905-06

Serial No.

Depee Mr

corrections in Sec 2 & 3 may be made in Sec. 22
need not be sent for
7-7-06

Seen]

The draft of an order directing the promulgation of the Mines Regn with the omission of the clauses objected to by the Govt of India, is subd for approval. The Regn may come into force on the 1st Septr 1906, as it is desirable that the persons affected should have some notice of its promulgation.

(2) The Dr Magte of Malan will submit to the Govt of India the report, required by the Govt of India, as to the working of the Regn for the two years from 1st Septr 1906.

3. The necessity for a clause for the punishment of misconduct among employés in the mining area will be separately investigated by the Dr Magte in consultation with the Mining Board, the Dy Govt Chief, & the State Geologist, & reported on for the orders of Govt.

12-7-06

To draft thro'
12-7-06

Read] P14
14/7/06.

The file re: grant of Leases & Prospecting licences submitted

14/7/06

C 196
14-7-06.

5. The draft may be approved.

13 July 06

NOTE.—Cancel sheet

GPB—50,000—23-10-05

26 45

*Submitted to His Highness.*

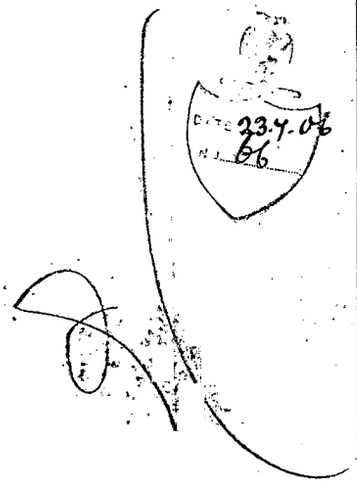
Paper under disposal

55. The Draft Mysore Mines Regulation of 1906 has been sanctioned by the Government of India with certain modifications. These are the omission of section 17 relating to the "liability of person present when unwrought gold or mining material is seized on premises" and that of section 22 providing penalties for misconduct among employees. The Government of India also desire to be furnished with a report about the working of the Regulation after two years. Sanction may be accorded to the promulgation of the Regulation as modified and sanctioned by the Government of India.

29/7/1906.

2744

**Record of Case submitted for the orders of His Highness the Maharaja.**




## *Subject.*

Sanction for promulgating;-A Regulation to consolidate and amend the law relating to Mining in Mysore.

72

## *Order.*

Sd. Sanctioned
~~KRW~~
24/7/06

Sd. Dewan's order
Please issue
BO
CSBalasundaram
25/7/06

561) Promulgate Advn: Let me see copy after corrections the Gazette Copy
2) Some draft orders also
26/7/06
26-7-06

Flag Q

Serial No.

57. Submitted with a corrected proof of the Regulation and a draft order promulgating.

C.R.O. 27.7.06

The draft order to the Govt Secretary, the Sp of Police and the Dist: Magistrate of Malar is put up for issue.

C.R.O. 27.7.06 RM 27-7-06

58. Issue the draft order to Govt Madras

Submitted with a draft order promulgating

to Govt Madras 7-8-06

59. Issued – (I hope the proof has been carefully verified. I have no time myself)

to Govt 8.8.06

Draft order & notice issued

No. J 255-7/Legs-05-10 28/7/06

do J 255/Legs-05-11 8/8/06 (enclosing proofs)

60. Sent order No. J 255-7/Legs-05-10 of the 28th July to the Govt Sergeant, Asst Superintendent of Police & the District Magistrate of Malar

State that the Regulation will be

NOTE—Contn. sheet

GPB—50,000—23 10-05

Serial No.

promulgated as law & came into force with effect from the 15th September & requested the Govt might, when, in submitting through the Agent Governor of Sind, an examination report on the working of the Regulation after it has been in force for 12 years, also communicate to the Mining Board the observations of the Govt of Sind on the prevalence of consumption among mining employés, a report being submitted on the point in due course after consultation with the Mining Board & the Govt of Sind.

11 To the Compiler, Bombay Gazette, No. 3557/Leg 5-05-11 of the 8th August 1906

Directs the publication of the Mines Regulation as amended above.

12 To the same, No. 3576 of the 18th August 1906.

Directs the insertion of the figure "10" between "9" & "11" in Sec 13 of the Regulation as published in the Bombay Gazette of the 9th August 1906

NOTE—Contn. sheet

GPB—50,000-23 10-05

File No. 5 of 05

Serial No. 3.

To

The First Asst. Resdt. in Mysore.

Sir,

I am directed to forward herewith two copies (in addition to the six which have been already informally sent) of a Draft Regulation to consolidate and amend the law relating to Mines in Mysore, as well as of the Statement of Objects and Reasons prepared in connection therewith.

2. At the discussion which took place on the occasion of the recent visit to the Kolar Gold Fields of the Hon'ble Mr. J. P. Hewett, Member of the Council of the Government of India, the following few additions and modifications were proposed which have now been embodied in the Draft.

In the definition of "Mining material" given in section 2, after the word "tools" in para 2 the words -- "marked with the mark of the mine," have been added, and in para 4, the words "and coal" omitted, as suggested by Mr. Hewett.

In section 9, the words "such conviction not being reversed on appeal" have been newly added, in order to limit

limit the discretion of the Magistrate to cancel licenses to those cases only where the conviction continues in force.

In section 10 (3) the first sentence, which imposed an obligation on the part of the licensee to send a copy of all entries in the gold-dealer's and goldsmith's registers to the Superintendent of Police, has been omitted; and in the proviso to the same sub-section, for the words "other than a superior officer," the words "other than a Police Officer or Magistrate" have been substituted, thereby including a Magistrate also among the persons to whom the results of the inspection of registers etc., can be divulged.

The heading to sections 23 to 35 has been changed from "Safety of persons", to "Safety and discipline of mining employes and inspection of Mines" so as to denote more accurately the subject-matter of these sections. This change will, among other things, cover the additional clause added to section 23, which, it may be added, corresponds to, and is in keeping with, the power already given by the next succeeding section to Mining Proprietors to frame rules for the proper discipline of their employes.

3. There was also some discussion in connection with section 22, which deals with the payment of rewards. Such payments are not regulated by the provisions of the Criminal Procedure Code, although the disposal of the property that is produced in Court is fully provided for by it. It is not the object of the present draft Regulation to interfere with the provisions of the Criminal Procedure Code in the latter respect, by restricting the discretion given to Criminal Courts thereby and laying down particular directions for the disposal of such property. All that section 22 proposes to do is to follow the example of the Excise, [illegible] and Forest laws, in authorising Magistrates to grant rewards to informants in order to encourage the detection of cases of theft of gold. It merely empowers the Criminal Courts to grant such rewards either out of the fines realised or out of the property produced in Court, about which orders could be made under the Criminal Procedure Code. The question whether the Mysore Courts have been right in refusing to hand over such gold to the Kolar Mining Board, when the individual ownership of the mines is not proved, does not arise for consideration in connection with this section. There is not also correct information before the

Durbar

Durbar ~~of~~ as to the proper constitution of the Mining Board and as to whether it has authority to receive such gold on behalf of the Mining Proprietors. From the information at the disposal of the Durbar, it appears that the Mining Board does not represent all the companies working on the field; that only Superintendents of Mining Companies whose working capital subscribed or already expended represents not less than £ 50,000, are eligible; and that other companies such as the Road Block, Nine Reefs, & Oriental Mine, are not represented on the Board. The Mining Board as such does not ~~therefore~~ appear to have any legal claim or title to receive any property which individual Mining Proprietors cannot prove as their own. At the same time I am to state that the Durbar will be quite prepared to consider these questions on their merits when they are properly raised and brought before them by the Mining Board or the proprietors of the Mines, which has not up to now been done. I am to submit that section 22 as now framed leaves these points untouched, and if passed into law, ~~does~~ will not interfere in any manner with their proper decision subsequently.

4- With these remarks I am to request that the Hon'ble the Resident may be moved to kindly obtain the sanction of the

Leg 25-05-4.

R. P. B.—8-1905.—500

Letter No. 5390

From

R. C. H. MOSS KING, Esq., I. C. S.,
FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

To

The Dewan of Mysore.

Dated Bangalore, 21st September 1905.

Sir,

I am directed to acknowledge the receipt of Mr. Venkatavaradiengar's letter No.171(Pol), dated the 5th September 1905, enclosing copies of the Draft Regulation to amend and consolidate the law relating to Mines in Mysore and explanatory papers, and with reference thereto to offer the following remarks.

2. I am in the first place to suggest that two corrections of a more or less formal nature may be made in clauses 2 and 9 of the draft regulation. In the second clause the addition might be "marked with the distinguishing mark of the Mine" and in clause 9 to give full effect to the Durbar's intention the addition might be "such conviction not being reversed on appeal or in revision"

3. With regard to the suggested alteration in the heading to clauses 23 to 35 and the additional sub clause to clause 23, I am to urge on the Durbar strongly the advisability of framing a special clause to meet the case of corruption on the part of Mine employés, and including it in the first part of the Regulation. In the first place it is highly anomalous that a

provision

provision of this nature should be included in a part of the Regulation which with this single exception is exclusively devoted to precautions for the physical safety of those employed in mining operations. In the second place the provision which it is in contemplation to introduce as regards offences of this kind is somewhat of a novelty so far as India is concerned and will require special justification.

The Offg: Resident believes that sufficient justification is forthcoming but he thinks that the Government of India would at once and with reason take exception to the introduction of special penalties for irregularities of this kind by means of a subsidiary rule not forming part of the main Regulation and issued under a clause which seems on the face of it only to contemplate rules of conduct connected with the safety of mining employés. Indeed even with the alteration in the heading the Resident doubts whether the Courts in interpreting the clause and rules thereunder would not apply the principle known as "ejusdem generis" and hold that they related to discipline and misconduct only in so far as they might affect the safety of persons working in, and in connection with, the Mines.

4. In conclusion I am to refer to clause 22 and to express the hope that the Durbar will on reconsideration adhere to the view which was taken at Kolar and abandon this clause even though the executive orders which may be required to replace it are reserved for further examination. The fact is that the Excise and Forest Laws afford no true precedents for what the Durbar propose to do here. In Excise and Forest cases the property which is confiscated is either the property of the criminal or his employés or of the State and can not improperly therefore after confiscation be appropriated to providing rewards for the informers whose efforts led to conviction. In the case of stolen gold however the property neither belongs to the thief nor to the State but to the person from whom it was taken, and it should not therefore be diverted to State purposes until all reasonable means of finding the owner and restoring it to him have been exhausted. However Mr. Williams proposes to elaborate his views on this point in a further

communication

8 54

communication which he will make to the Durbar. In the meantime he would merely ask that this clause may be withdrawn the executive arrangements which are to replace it being left for future consideration.

I have the honour to be,

Sir,

Your most obedient servant,

First Assistant Resident.

RK

G.R.S. 26]

55 C
Leg

File No.

Serial No.

*Diary No. of letter replied to*

This docket

Docket No. J 1203 of 30.9.05

General and Revenue Secretariat

( )

, *the* 190 .

To

The Superintendent of the
Govt. Press

Date of issue 30.10.1905

Signed by Mr. N.N. Krishna Rao

Has the honour to forward herewith a copy of the Draft of the Mysore Mills Regulation and to request that the same may be printed with the corrections made therein and 20 copies thereof forwarded to the Legislative Secretary Judicial Branch of this Office ~~and~~ not later than the 7th proximo at earliest possible.

By order

28/10/05

Dy Secretary

28/10/05

over.

SUBJECT.

File No. 5

Serial No. 5

To

The First Asstt. to the Hon'ble
the Resdt. in Mysore.

Letter Pol no. 355 En two.

Date of issue. 8/11/05

Signed by. Paramaiah Pillai
Mr. B.N. Venkatavaradachyar.

Sir,

Adverting to your letter No.5390 dated the 21st September 1905, offering certain suggestions in regard to the Draft Regulation to consolidate and amend the Law relating to Mines in Mysore, I am directed to state as follows:-

2. The formal corrections suggested in para 2 of your letter have been duly made in sections 2 and 9 of the Draft Regulation.

3. In accordance with the suggestion made in para 3, a special clause dealing with cases of corruption and other forms of misconduct on the part of employes, both under Mining Proprietors and under Government or a local authority in the Mining area, has been drafted and included in a separate part of the Regulation under the head "Prevention of misconduct among Employes" (Vide new section 22). This course has necessitated certain omissions in sections 23 and 26.

4. The Durbar defer to the advice tendered by the Hon'ble the Resident in para 4 of the letter under reply, and have accordingly decided to omit

Enclosures
Two copies of the Draft Regn.
8/11/05

12-21

# Draft of the Mysore Mines Regulation.

# Draft of the Mysore Mines Regulation.

DRAFT OF A REGULATION *TO CONSOLIDATE AND AMEND THE LAW RELATING TO MINES IN MYSORE.*

*Regn. III of 1897, preamble.*

Preamble.

WHEREAS it is expedient *to consolidate and amend the law relating to Mines in Mysore;* His Highness the Maharaja is pleased to enact as follows:—

## PRELIMINARY.

*Do* *Section 1.*

Short title.

1. This Regulation may be called "The Mysore Mines Regulation, 190 ."

Local extent and commencement.

It extends to the whole of Mysore, and shall come into *force* on the *first day of*————*190* .

*Repeal.*

2. *The Mysore Mines Regulation, 1897, and Regulations I and VI of 1900 are hereby repealed.*

*Do* *Section 2.*

Interpretation.

3. In this Regulation, *unless there be something repugnant in the subject or context,*

Mining operation.

"Mining operation" includes—

(*a*) the carrying on of any underground or surface work in connection with the prospecting for, or the mining, winning, dressing, milling and treatment of ores, minerals and mineral products of every description;

(*b*) the erecting, making and using of, and otherwise dealing with, for purposes of such work, any railway, tramway, road, building machinery and other plant; and

(*c*) the manufacture, carriage, storage and use of all explosives, chemicals and other materials to be employed in such work.

*Mining Block.*

"*Mining Block*" *means any block or area of land in and upon which the right to carry on mining operations is held by a Mining Proprietor under a Mining Lease granted by the Government.*

Mine.

"Mine" *means any* place *above or below ground* where any mining operation is carried on, *and includes all such portions of the surface of any mining block whereon the right of entry has been acquired by purchase or otherwise by a Mining Proprietor.*

Mining Proprietor.

"Mining Proprietor" or "Proprietor" means any person or persons or company on whose behalf any mining operations are carried on.

Mining Superintendent.

"Mining Superintendent" or "Superintendent" means the person who is the local representative of a Mining Proprietor, and includes an Agent or Manager in charge of any mine on behalf of a Mining Proprietor.

"Mining material" includes—

Mining material.

(1) *alluvial gold, gold ores,* native gold, precious stones and other rocks and minerals of value;

(2) gold amalgam, sponge gold, *zinc precipitates, slags, concentrates, tailings, residues* and other valuable mineral products of mines in any stage of treatment or extraction; and mercury, potassium cyanide and other chemicals, *apparatus, tools marked with the distinguishing mark of the mine,* and materials used in such treatment and extraction;

(3) dynamite, nitro-glycerine, blasting gelatine, gelatine dynamite, fuse, detonators and other explosives used or intended to be used in mining operations;

(4) *Stearine candles distinguished by the wax being of a light pink colour;* and

(5) such other materials and things used or intended to be used in mining operations as may be declared by the Government from time to time by notification published in the official Gazette to be mining materials.

*Unwrought gold.*

"*Unwrought gold*" *includes bar gold, gold bullion and any alloy containing gold in any form whatever which though smelted is not made up into articles of jewellery, vessels, coins, or other articles of use or commerce.*

*Gold-dealer.*

"*Gold dealer*" *means any person who buys or sells unwrought gold, or receives unwrought gold by way of barter or pledge.*

*Goldsmith*

"*Goldsmith*" *means any person who, by profession, melts, refines, or works in unwrought gold or silver, or engages in the melting or manufacture of articles made of gold or silver or of alloys containing gold or silver, and includes a silversmith.*

Inspector of Mines.

"Inspector of Mines" includes any officer to whom all or some of the duties of an Inspector of Mines under this Regulation shall have been delegated, by a general or special order of the Government, so far as the performance of such duties is concerned.

## PROTECTION OF MINING PROPERTY.

*Regn. III of 1897, Section 3.*

Sections 5 to 22 may be applied to specified areas.

4. (1) *The provisions of sections 5 to 22, inclusive, shall not apply to any local area unless extended thereto by the Government by a notification published in the official Gazette.*

(2) *The Government* may, by a like notification, cancel or modify *any notification issued under sub-section (1).*

*Do Section 4.*

Mining materials not to be purchased, *conveyed or kept* without written permission.

5. No person shall purchase or take in barter or exchange any mining material belonging to a Mining Proprietor without the written permission of such Mining Proprietor or his Superintendent, nor shall any person, without such written permission, receive, *convey, or, except in such places as may be specially authorised, keep,* any such mining material otherwise than for use for mining purposes on behalf of such Mining Proprietor *or his Superintendent.*

*Regn. III of 1897, Section 8.*

6. Any person found to be in possession of any mining material without the written permission of a Mining Proprietor or Superintendent, and unable to prove that his possession of the same was obtained in a lawful manner, shall, on conviction before a Magistrate, be liable to *the penalty provided in section 13.*

Penalty for unlawful possession of mining materials.

*Do* *Section 5.*

7. It shall not be lawful for any person *to buy or sell unwrought gold or to receive unwrought gold by way of barter or pledge without a gold dealer's license, nor* to carry on the profession of a goldsmith without a *goldsmith's license* as hereinafter provided.

Licenses required for *gold dealers and* goldsmiths.

*Provided that it shall not be necessary for a Mining Proprietor to take out a goldsmith's license on account of the smelting, refining or other preparation of any gold obtained from his mine by any persons acting on his behalf.*

*Do* *Section 6.*

8. (*1*) The licenses referred to in section 7 may be issued by a Magistrate of the first class on payment of such fees as the Government may by rule prescribe in that behalf, *and every license shall terminate on the 31st day of December of the year in which it is issued.*

Power to grant a license.

(*2*) *Every gold dealer's and every goldsmith's license and every application for a license, shall, respectively, be in such forms as may be prescribed by Government.*

*Do* *do.*

9. *No license shall be issued to any applicant unless the Magistrate is satisfied that he is a person of good character and reputation, and it shall be in the absolute discretion of the Magistrate to grant or withhold such license as he may think fit. Any license may be cancelled by a First Class Magistrate on the licensee being convicted of any offence—such conviction not being reversed on appeal or in revision—which in the opinion of the Magistrate renders him unfit to hold a license. Provided that any decision under this section* by a Magistrate, other than the District Magistrate, shall be appealable to the District Magistrate, whose order shall be final.

Power to cancel a license.

10. (*1*) *Every licensed gold dealer shall keep at his place of business a book (hereinafter called a Gold dealer's Register) in which the receipt or disposal of all unwrought gold shall be immediately entered in such form as may be prescribed by Government.*

*Books to be maintained.*

(*2*) *Every licensed goldsmith shall keep at his place of business a book (hereinafter called a Goldsmith's Register) in which the receipt or disposal of all gold, silver, gold or silver jewellery, unwrought gold or other gold stuff received, treated or disposed of by him shall be immediately entered in such form as may be prescribed by Government.*

(*3*) *Every gold dealer's register and every goldsmith's register together with any article or items of gold referred to therein and in the possession of the licensee shall be open to inspection at any time by any police officer not below the rank of Chief Constable, or any police officer specially authorised in this behalf by the Superintendent of Police or by a First Class Magistrate; provided that the person making such inspection*

*shall not divulge the result thereof to any person other than a Police officer or Magistrate or by order of a court, under a penalty on conviction not exceeding one hundred rupees.*

*Goldsmiths not to deal with gold, etc., until after three days of receipt.*

11. *No licensed goldsmith shall smelt, work, use or deal with any of the articles directed to be entered in his Register under section 10 until after the expiry of three clear days from the time when such article is received by him. Provided that this section shall not apply to the repairing of articles of jewellery by a goldsmith in any way which does not change or destroy the identity of such articles.*

*Possession of unwrought gold unlawful except in certain cases.*

12. *It shall not be lawful for any person to have in his possession any unwrought gold unless he holds a gold dealer's license or a goldsmith's license or unless he is a Mining Proprietor or duly accredited person acting on behalf of a Mining Proprietor.*

*Regn. III of 1897, Section 9.*

Penalty for breach of section 5, 6, 7, 10, 11 or 12.

13. Any person committing an offence under section *5, 6, 7, 10, 11 or 12* shall, *except in the case mentioned in the proviso to sub-section (3) of section 10*, be liable on conviction to fine not exceeding five hundred rupees, or imprisonment *of either description* for a term which may extend to one year, or both.

*Do Section 10.*

Substitution or addition of whipping in certain cases.

14. It shall be in the discretion of the Magistrate, in the case of any person, not being a female *or other person exempted under section 393 of the Code of Criminal Procedure*, who shall be convicted of a second offence under section *5, 6, 7 or 12*, to award whipping under the provisions of *the Mysore Whipping Regulation, 1903*, either in substitution of, or in addition to, the penalty provided *in section 13*.

*Do Section 7.*

Power to search.

15. Any police officer, not below the rank of an officer in charge of a Police Station, may search any person or any house, building or place for the discovery of any mining material, *unwrought gold* or other thing with, or in respect of, which an offence under this Regulation is reasonably suspected to have been committed.

*Liability of tenant or occupier of premises in regard to unwrought gold or mining material seized therein.*

16. *Any person being the tenant or occupier or reputed tenant or occupier of any premises, at the time when any unwrought gold or mining material reasonably suspected of being stolen or unlawfully obtained is found thereon and seized by any police officer, shall be deemed to have been in possession of such unwrought gold or mining material within the meaning of section 12 or 6, as the case may be, until he proves the contrary.*

*Liability of person present, when unwrought gold or mining material is seized on premises.*

17. *(1) Any person who is charged before a Magistrate with being on any premises, at the time when any unwrought gold or mining material reasonably suspected of being stolen or unlawfully obtained is found and seized by any police officer, and who is unable to satisfactorily account to the Magistrate for his presence there, shall be liable on conviction to the penalty provided in section 20.*

(2) *Any person may be convicted under this section notwithstanding that no charge is laid or conviction obtained against the tenant or occupier or reputed tenant or occupier of the premises under section 16.*

*Liability of unemployed person ordered off any mine or cooly colony.*

18. *Any person not employed in a mine who shall have been directed to quit such mine by an order in writing signed by the Superintendent of the Mine, and who subsequently to such order remains at or re-enters upon the mine without the permission of the Superintendent, and any person not employed at any mine who shall have been directed to vacate a Government cooly colony by an order in writing signed by the Superintendent of Police, and who subsequently to such order remains in or returns to such Government cooly colony without the permission of the Superintendent of Police, shall be liable on conviction before a Magistrate to the penalty provided in section 20.*

*Licenses required for hawkers and pedlars.*

19. *No hawker or pedlar shall carry on his business without a license in writing obtained for that purpose from a Magistrate of the first class. Licenses shall be issued subject to such conditions and the levy of such fees as Government may prescribe. Any person, carrying on such business without a license as aforesaid, or acting in contravention of any of the conditions of such license, shall be liable on conviction before a Magistrate to the penalty provided in section 20.*

*Penalty for breaches of sections 17, 18 and 19.*

20. *Any person committing an offence under section 17, 18 or 19 shall be liable on conviction to fine not exceeding one hundred rupees or imprisonment of either description for a term not exceeding three months, or both.*

*Cognizability of offences by the Police.*

21. *All offences under sections 5, 6, 7, 10, 11, 12, 16, 17, 18 and 19 of this Regulation shall be cognizable by the police.*

## *PREVENTION OF MISCONDUCT AMONG EMPLOYEES.*

*Prevention of misconduct among employees.*

22. *(1) The Government may make rules for the prevention of corruption and other forms of misconduct on the part of persons employed, in or about the mines or in mining operations, under Mining Proprietors or under the Government or a local authority.*

*(2) For every breach of a rule made under sub-section (1), the offender shall be liable to imprisonment of either description for a term which may extend to three months, or to fine which may extend to five hundred rupees, or to both.*

## *SAFETY AND DISCIPLINE OF MINING EMPLOYEES AND INSPECTION OF MINES.*

*Regn. III of 1897, Section 11.*

Government may frame general or special rules.

23. All mining operations carried on in Mysore shall be conducted in accordance with such general or special rules for the prevention of danger to human life or safety, and for the reporting and investigation of accidents and other matters connected with

such mining operations, as may, from time to time, be prescribed in that behalf by the Government.

*Regn. III of 1897, Section 12.*

Further rules by Mining Proprietors.

24. (*1*) Each Mining Proprietor may, either directly or through his Superintendent, prescribe, with the previous sanction of the Government, such further rules, not being inconsistent with this Regulation or the rules issued under the last preceding section, for the conduct and guidance of persons who have the management of his mine, and of those who are employed in or about the said mine, as may be considered necessary to meet the particular circumstances of the said mine, and calculated to prevent accidents likely to cause danger to human life or safety, and to provide for the safety and proper discipline of the persons employed in or about the said mine.

(*2*) The Government may at any time cancel or vary any sanction granted under this section.

*Do* *Section 13.*

Publication of rules.

25. Every Mining Proprietor and his Superintendent shall publish the rules prescribed under sections 23 and 24 of this Regulation in such manner that all persons engaged in or about the mine shall have an opportunity of knowing adequately such rules as may relate to the work they are employed upon.

*Do* *Section 14.*

Penalty for breach of rules.

26. Every person who contravenes, or does not comply with, any rule duly prescribed *under section 23* shall, for every such offence, be liable to a fine not exceeding one hundred rupees ;

Liability of Superintendent.

and in the case of any contravention of, or non-compliance with, any such rule by any person whatsoever, being proved, the Superintendent of the Mine shall be liable to a like penalty, unless he proves that he had taken all reasonable means, by publishing and, to the best of his power, enforcing the said rule in the working of the mine to prevent such contravention or non-compliance.

*Do* *Section 15.*

Appointment of Inspector of Mines.

27. The Government may appoint an officer to be called the Inspector of Mines, whose duty it shall be to inspect and examine the mines periodically for the purpose of satisfying himself that the provisions of this Regulation and the rules prescribed under sections 23 and 24 thereof are strictly enforced, and for enquiring generally into the mode of carrying on mining operations.

*Do* *Section 16.*

Powers of Inspector.

28. The Inspector of Mines shall have power to do all or any of the following things, namely :—

(i) to make such examination and inquiry as may be necessary to ascertain whether the provisions of this Regulation and the rules framed thereunder are complied with in the case of any mine ;

(ii) to enter, inspect and examine any mine and every part thereof, at all reasonable times by day and night, but so as not to impede or obstruct unreasonably the working of the mine ;

(iii) to examine into, and make enquiry respecting, the state and condition of any mine or any part thereof and the ventilation of the mine, and the sufficiency of the special rules for the time being in force in the mine, and

all matters and things connected with or relating to the safety of the persons employed in or about the mine ; and

(iv) to exercise such other powers as may be necessary for the due discharge of his duties under this Regulation.

The examination and inquiry referred to in this section may be carried on by any officer to whom the Inspector of Mines may, in accordance with a general or special order of the Government, delegate the same.

*Regn. III of 1897, Section 17.*

Mining Proprietor or Superintendent to afford facilities to Inspector.

29. Every Mining Proprietor or Superintendent shall furnish the Inspector of Mines, on requisition, with the means necessary for making any entry, inspection, examination or inquiry under this Regulation, and in case of non-compliance with such requisition, shall be liable to a fine not exceeding one hundred rupees.

*Do Section 18.*

Notice of defects by Inspector of Mines.

30. If the Inspector of Mines finds that in any mining operation, the provisions of this Regulation or of the rules thereunder are not duly observed, or that any mine or part thereof or any matter, thing or practice in or connected with such mine, or with the control, management or direction thereof, is dangerous to human life or safety, or defective so as to threaten or tend to the bodily injury of any person, he may give notice in writing to the Mining Proprietor or his Superintendent, stating the particulars in which he considers the provisions of this Regulation or the rules aforesaid are not observed, or the mine or any part thereof or any matter, thing or practice is dangerous or defective, and require the same to be remedied within a specified time.

*Do Section 19.*

Report to Magistrate and Government.

31. The Inspector of Mines shall forthwith forward to the Magistrate of the District, and to any other Magistrate specially empowered by the Government, a copy of every notice under section 30 which requires anything to be done or remedied so as to prevent danger to human life or safety, and he shall also report to such Magistrate as aforesaid the compliance or non-compliance with every such notice as aforesaid.

The Inspector of Mines shall report to the Government every non-compliance with a notice issued under section 30.

*Do Section 20.*

Objection by Mining Proprietor.

32. If the Mining Proprietor or his Superintendent objects to comply with any requisition in a notice under section 30, he may, within ten days after receipt of the notice, send his objection in writing, stating the grounds thereof, to the Government, and thereupon the matter shall be determined by arbitration in the manner provided by this Regulation.

Provided that nothing in this section shall affect the powers of a Magistrate under section 144 of the Code of Criminal Procedure.

*Do Section 21.*

Rules for Arbitrations.

33. Arbitrations under this Regulation shall be conducted in accordance with the following provisions :—

(*a*) Within fourteen days after the lodging of an objection under the last preceding section, the Mining

Proprietor or Superintendent, and the Inspector of Mines on behalf of the Government, who shall both be deemed to be parties to the arbitration, shall each nominate an arbitrator.

(*b*) The arbitrators, before entering upon their duties shall nominate another person as umpire.

(*c*) No person who has no knowledge of mining work shall be an arbitrator, and no person who is not a Justice of the Peace or a District Judge or a Magistrate of the first class shall be an umpire; nor shall any person act as arbitrator or umpire who is employed or interested in the management of the mine to which the arbitration relates. Every objection to the qualification of an arbitrator shall be preferred in writing at the earliest opportunity to the Magistrate of the District, whose decision thereon shall be final:

Provided that no such objection shall be taken after the award has been made.

(*d*) If the arbitrator appointed by either party fails to proceed with the arbitration for seven days consecutively, or if he cannot proceed with it owing to death, sickness or other cause, the other party may, by notice in writing, require the appointment of another person in his place.

(*e*) If the umpire similarly fails to act in the matter of arbitration, either party may call on the arbitrators to appoint another person in his place.

(*f*) If, within seven days after the receipt of a notice under clause (*d*) or (*e*), no new arbitrator or umpire has been appointed, or where the arbitrators do not agree to appoint an umpire, the District Magistrate shall, on the application of any of the parties, appoint a proper person as arbitrator or umpire, as the case may be.

(*g*) The arbitrators or the umpire, as the case may be, may examine the parties and their witnesses on oath; and for this purpose, any Magistrate having local jurisdiction shall, on their requisition in writing, summon the witnesses to appear before them or produce documents in their possession.

(*h*) When both the arbitrators are agreed on the matters referred to them, their decision shall be final; but whenever there is a difference on all or any of such matters the matters in difference shall be submitted to the umpire, whose decision thereon shall be final.

(*i*) The payment (if any) to be made to an arbitrator or umpire for his services shall be fixed by the Government; and, together with the costs of the arbitration or award (to be taxed as in a proceeding in a Civil Court), shall be paid by the parties or one of them as the award may direct.

(*j*) Every proceeding held by the arbitrators or umpire under this section shall be deemed to be a judicial proceeding within the meaning of sections 193, 219 and 228 of the Indian Penal Code.

(*k*) The Government may, from time to time, make such additional rules as it may deem necessary for the conduct of arbitrations under this Regulation, but not so as to be inconsistent with any of its provisions.

*Regulation III of 1897, Section 22.*

34. Any person who intentionally or negligently omits to comply with a notice under section 30, except when an objection has been duly lodged under section 32, or with the terms of an award made under section 33, shall, for every such omission, be liable to a fine not exceeding one thousand rupees; and in case the omission has been intentional, to a further fine not exceeding one hundred rupees for each day the omission continues:

Penalty for non-compliance with Inspector's order or award of arbitrators.

Provided that the Court, if satisfied that the Mining Proprietor or Superintendent has taken active measures for complying with the notice or award, but has not with reasonable diligence been able to complete the works, may adjourn the proceedings taken before it for punishing the offence, and if the works are completed within a reasonable time, no penalty shall be inflicted.

*Do* *Section 23.*

35. Where any person is guilty of any offence under this Regulation which, in the opinion of the Magistrate who tries the case, is one which was reasonably calculated to endanger the safety of any person or cause serious personal injury to any person or to cause a dangerous accident, and was committed by the personal act, personal default, or personal negligence of the person accused, such person shall be liable, if the Court is of opinion that a pecuniary penalty will not meet the circumstances of the case, to imprisonment *of either description* for a period not exceeding three months.

Imprisonment for offences calculated to endanger the safety of persons.

## SANITATION.

*Do* *Section 24.*

36. (*1*) The Government may, from time to time, make rules for the special sanitation *and sanitary administration* of any local area within which mining operations may be carried on.

Power of Government to make rules *for sanitation and sanitary administration.*

(*2*) *In particular, and without prejudice to the generality of the foregoing provision*, such rules may provide—

(i) for regulating the disposal of kitchen and stable refuse, animal refuse of all kinds, and night-soil or other such offensive matter;

(ii) for conserving and guarding against pollution all sources of water-supply;

(iii) for preventing overcrowding in bazaars, in cooly lines, and in streets or houses for work-people or others;

(iv) for the proper cleansing of drains, sewers, latrines and urinals;

(v) for regulating the keeping of cattle and other animals, the location of sheds for them, and the fixing or licensing of slaughter-houses; and authorising the levy of rent or fees for the use of the same or a fee on each animal slaughtered therein at such rates as may be prescribed from time to time; and

(vi) for the proper and timely treatment of persons affected with cholera or other epidemic disease, and for preventing the spread of such disease by temporarily prohibiting persons affected or suspected to be affected with it from moving to or from particular specified places or travelling on particular specified routes.

(3) The local area for which the rules under this section are made shall be described in a notification published in the official Gazette.

*Regulation III of 1897, Section 25.*

37. (1) For the purpose of carrying out the rules made under the last preceding section, the Government may appoint any persons, official or non-official or *both*, residing within *or in the vicinity of* such area, to constitute a *Sanitary* Board, and invest such Board with powers for the enforcement of the said rules, and prescribe the mode in which such Board shall conduct its business for carrying out the said rules.

Constitution of a *Sanitary* Board.

(2) *The powers with which the Sanitary Board may be invested under this section include –*

*(a) power to prescribe bye-laws, with the previous sanction of Government, for the special sanitation of the area under its authority and for the conduct of its business;*

*(b) power to levy, with the like sanction, such tax, rate or cess within the said area as a Municipal Council would be competent to levy under the law in force relating to Municipalities.*

*Do* *Section 26.*

38. For every breach of a rule *made* under section 36 *or of a bye-law made under section 37* the offender shall be liable to a fine not exceeding rupees one hundred.

Punishment for breach of rules *and bye-laws.*

## GENERAL.

*Do* *Section 28.*

39. The Government may frame rules requiring the delivery of periodical returns of work done, workmen employed, the outturn from the mine of minerals and mineral ores, and such other information as the Government may think fit to demand; and for the furnishing of samples of quartz and other rocks and minerals mined or met with in the course thereof, and prescribe a fine not exceeding one hundred rupees for every breach of such rules.

Rules requiring returns and delivery of specimens.

*Do* *Section 29.*

40. The abetting (within the meaning of the Indian Penal Code) of any offence under this Regulation shall be punishable in the same manner as the offence itself.

Abetment of offences under this Regulation.

*Do* *Section 31.*

41. All offences *punishable under* this Regulation and all breaches of any rules *or bye-laws* made thereunder shall be cognizable by the District Magistrate or a Magistrate of the first *or second* class.

Offences against Regulation and rules by whom cognizable.

*Do* *Section 32.*

42. The provisions of the Code of Criminal Procedure relating to searches shall, so far as may be, apply to all searches made or instituted under this Regulation.

Provisions of the Code of Criminal Procedure to apply to searches.

*Do* *Section 33.*

43. All rules *and bye-laws* made under this Regulation shall be published in the official Gazette, and shall thereupon have the force of law.

Publication of rules *and bye-laws.*

K. S. C.

J 1178 57

R. P. B.—10-05—500.

file no 5 1905
& 28 6.
Letter No. 6783

FROM

R. C. H. MOSS KING. ESQ., I. C. S.
FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

To

The Dewan of Mysore.

Pol no. 8688/20/11/05
III Legis
Mail
20-11-05

Dated Bangalore, 18th November 1905.

Sir,

Rec'd 6

I am directed to acknowledge the receipt of Mr. Venkatavaradiengar's letter Pol No.355, dated the 7th November 1905 forwarding a revised draft of a Regulation to consolidate and amend the Mysore Mines Regulation, 1897.

59

2. The Offg: Resident is glad that the Durbar have accepted his suggestions in regard to the amendment of the Draft Regulation, but he observes that Clause 22 of the present Draft repeats the objectionable features of legislating by means of subsidiary rules regarding matters to which a serious penalty is attached. The forms of misconduct punishable under the Mining Regulations should, in Mr. Williams opinion, be specifically mentioned and provided for in the substantive law itself, and not in the subsidiary rules which may be framed thereunder. Mr. Williams understands that generally speaking such misconduct is practically confined to corruption and I am therefore to suggest that the following clause, based on the provisions of the Durbar's Mining Rules 182 and 183, may be substituted for clause 22 of the revised draft:-

Rag S.

"Any workman, contractor, foreman, Mining officer, Government servant

servant,or other person,engaged or expecting to be engaged in mining operations or in the work connected with the Government Inspection of Mines, who shall accept any service from any person or persons who is concerned or is likely to be concerned in any operation,proceeding or business transacted or likely to be transacted ~~ted~~ by the person accepting such service or having any other connection with the duties which he or any person to whom he is subordinate or likely to be subordinate is employed to perform ,or from any person who is interested in or related to the person so concerned or likely to be concerned,shall be liable on conviction to imprisonment of either description for a term which may extend to three months, or to fine which may extend to five hundred rupees or to both.

"Explanation.- For the purpose of this section "service" shall be considered to include the payment of any sum,the gift or sale without adequate consideration of any thing and every other favour or gratification of any description whether estimable in money or not;but not recognised and legitimate remuneration for mining work"

3. If the Durbar agree to the above modification,Mr.Williams will be obliged if you will kindly arrange to forward to this office at a very early date a revised draft Regulation together with the necessary Statement of Objects and Reasons.

I have the honour to be,

Sir,

Your most obedient servant,

First Assistant Resident.

G.R.S. 26

This letter 459

File No. 5

Serial No. X

*Diary No. of letter replied to*

No. J 1533 En-2

Very Urgent. 28.11.05

General and Revenue Secretariat
( Legislative
, *the* 190 .

To

The Superintendent
Govt. Central Press
Bangalore

Date of issue 28. 11. 05

Signed by M. B. Ramaswamy Aiyengar

I am forwarding herewith a copy of the Draft of the Mysore Municipal Act and Statement of Objects & Reasons thereof, embodying the further revision made of Section 22 in the former, and of paras 11 and 12 in the latter, and have the honor to request that ~~150~~ 450 copies of reprints of both embodying the new corrections may be furnished to this Office by the End of this month.

28.11.05
for Secretary

28.11.05

over

* Office to Knock Finder

SUBJECT.

(G.R.S. 26]

File No. 5

Serial No 7

*Diary No. of letter replied to* _____

General and Rev. Secretariat
( Legis )
, *the* 190 .

Date of issue 1/12/05.

Signed by Mr B. Ramaswamy Iyengar

Letter Pol No. 422
Encl

To The Hon ARSA to the Hon'ble the Resident in Mysore.

Sir, Adverting to Your letter No. 6785 Dated the 18th Nov. 1905 ~~offering~~ suggesting ~~in regard to the~~ modification of clause 22 of the revised Draft-Regulation to Consolidate & amend the law relating to Excises in Mysore, I am directed to state that the Durbar accepts the proposed modification and to forward a revised draft-Regulation together with the necessary Statement of Objects & Reasons.

with 3 spare copies.

Received with fair copy 30.11.05

Secretary 26/11/05

over.

SUBJECT.

G 30 96 18 V

M.G.D.12] MYSORE GEOLOGICAL DEPARTMENT.

DATED BANGALORE, 6th June 1906.

Ff no 5
S no 8

Legal No. 2607

*From*

E. W. WETHERELL, ESQ., A.R.C.S., F.G.S.,

*Offg. Secretary to the Government of H. H. the Maharaja of Mysore,*

*Geological Department.*

iii
recd 6.6.06
Legis

*To*

B.K. Venkata Varada Iyengar, Esquire,

Secretary to the Government of His Highness

the Maharaja of Mysore, Gen. & Rev. Depts.

SIR,

I have the honour to bring (S No 8) to your notice a serious omission in S. 22 of the Final draft of the Amended Mysore Mines Regulation. A reference to the correspondence in your office on this subject will show that, in view of a decision of the 1st Class Magistrate, Kolar Gold Field, that a Sanitary Overseer on the Mines was not liable to punishment under Rule 182 of the Rules under the Mysore Mines Regulation for an offence of bribery, the Kolar Gold Field Mining Board proposed to amend Rules 181 & 182 by the addition to each rule of the words " or any person employed ..... in or about his mine".

2. This provision was originally contemplated to be made in an additional Clause (2) to be added to Section 23 of the Mysore Mines Regulation (Vide your letter No.J.785 Leg. 3-2 dated 9th September 1905).

Legis. Ff no 3 of 05-06/S no 4. vide flag V

3. But subsequently it appears to have been decided to abandon this clause and to revise Section 22 so as to include the above provision and it was meant to add the words " in or about a Mine" in line 3 after the word "operations".

liability to punishment of any person who is unable to account satisfactorily for his presence on premises at the time when any unwrought gold or mining material, suspected of being unlawfully obtained, has been seized by the police, the liability being unaffected by the fact that no charge is laid or conviction obtained against the tenant or occupier of the premises.

This clause is apparently based on section 4 of the Police Amendment Act of Western Australia 1892, quoted in paragraph 12 of the letter from the Kolar Gold Fields Mining Board to the Mysore Durbar Geological Department, dated the 11th February 1905. The Government of India have no information as to how the provision has worked in Western Australia, but in any case the example of that colony seems to them far from affording satisfactory grounds for giving similar powers to the police in India. Apart from this it seems to the Government of India that the proposed provision of law might lend itself to serious abuse. Under the proposed section a person might be charged with having been on the premises( a phrase which in itself is inconveniently wide) with reference to a search which may have taken place some time previously; and in such case he would be at an obvious disadvantage in clearing himself, and the preparation of false evidence would be easy. The opportunities for black-mail in such cases are enhanced by the facts that it is proposed to apply the provisions of Section 17 even though no charge is laid against the tenant or occupier of the premises; that no search warrant is required; and that the power of search is entrusted to police officers of comparatively low standing. It appears to be intended that prosecutions should be instituted under Section 17 in cases where the evidence is too weak to warrant prosecution under section 12 or 6 read with section 16. The Government of India do not think that this is a correct way of proceeding. If suspected articles are found the tenant or occupier should(as is proposed) be required to show that he was not privy to their being deposited in his hut, and the fact that he is under such an obligation can be relied on to ensure the result that he will not permit his friends of bad character to use his premises as a depository of stolen property. The view of the Government of India, in

H 30

in effect, is that the provisions of clause 16 ought to be sufficient for the purpose in view and that they should be tried to the full before further proposals are made. Nevertheless if it should ~~be~~ hereafter be found that actual cases occur in which a conviction might have been justly obtained under the provisions of the proposed clause 17 which could not be obtained under clause 16 the Government of India will be prepared to consider proposals for supplementary legislation.

4. The proposed clause 22 renders servants of the Mining Companies, workmen, contractors and Government servants connected with the working of the mines, liable to punishment for corruption in the discharge of their duties. The adoption of this provision involves a very wide extension of the law against bribery in order to protect a particular industry against, principally, its own employes. There appear to be no precedents for such legislation. The Government of India are prepared to admit that corruption does exist on the Kolar Gold Fields;but they have no information as to the shape which the corruption takes. It is intelligible that there is a very great temptation to steal gold; but it is not equally clear that bribes are taken for conniving at such theft. If this be the case it is for consideration whether the appropriate remedy would not be to offer liberal rewards for the detection of theft. If,however, the evil against which the proposal is directed is simply the bribery of contractors, then the Mining Companies are merely in the position of any other large employers of labour who have valuable contracts to place, for the securing of which it may be worth the while of tenderers to offer large considerations. There are many such employers in British India and the Government of India have hitherto refused to afford them special protection.

It has not been shown that the case of the Mining Companies working in Mysore should be treated without regard to general considerations. Legislation in the direction proposed in clause 22 would introduce a new principle into the criminal law of the country and if this principle were admitted it would be more appropriately urged in favour of a provision of general application than one of relating to a single industry limited to a particular

7234

place. But the Government of India have no evidence of a demand for the universal adoption of a law penalising corruption on the part of servants or agents in general. The Government of India will be prepared to examine the point further if on a review of these considerations the Durbar are disposed to press their suggestion. But the re-submission of further proposals must be conditional on proof being adduced that there are in fact special features in the case, and on full particulars being given of the kinds of corruption which occur, together with, if possible, instances of actual cases.

5. In conclusion I am to observe that it is the direct responsibility in the matter which is imposed upon the Government of India by Article 19 of the Instrument of Transfer which compels them to demur to legislation of so experimental a nature as is contemplated in sections 17 and 22 of the Regulation under consideration.

I have the honour to be,

Sir,

Your most obedient servant,

First Assistant Resident.

circa draft

75 32
F. nos. 5
S. no: 10

Proceedings of the Government of H.H. the Maharaja of Mysore.

Read the following papers:-

Sl no 3

(1). The Secretary's letter Pol. No. 171 dated the 5th September 1905, to the First Assistant to the Hon'ble the Resident in Mysore, forwarding for the sanction of the Government of India, with certain remarks, a Draft Regulation to consolidate and amend the law relating to Mines in Mysore, with a statement of objects and reasons.

W

(2). Letter No.5390 dated the 21st September 1905 from the First Assistant Resident, offering certain suggestions on the Draft Regulation; among others,

(i) in regard to the advisability of framing a special clause to meet the case of corruption on the part of Mine employés and including it in the first part of the Regulation, instead of taking power to Government to make rules on the subject along with other matters relating to the safety of persons; and

(ii) in regard to the withdrawal of the clause relating to the grant of rewards to informers, the executive arrangements which are to replace it being left for future consideration.

(3)

74-83

Sl no. 7

(3). Correspondence ending with the Secretary's letter Pol. No.422 dated the 1st December 1905 to the First Assistant Resident, accepting the Hon'ble the Resident's suggestions in regard to the terms of the clause(No.22) for the punishment of misconduct among mining employes and others in the mining area, and forwarding a revised Draft Regulation with the following revised statement of objects and reasons.

( Here enter statement )

8

(4). Letter No.2607 dated the 5th June 1906 from the Secretary to Government, Geological Department, bringing to notice a certain omission in section 22 of the final draft of the Mines Regulation.

Paper under disposal

(5). Letter No.3851 dated the 5th July 1906 from the First Assistant Resident;

( Print in Extenso ).

Order thereon:

No.J 2537 Dated Bangalore 28th July 1906
Legs-05-10 Mysore

The Draft Mines Regulation, with the omission of the clauses to which exception has been taken by the Government of India, having received the assent of His Highness the Maharaja, the same will be promulgated as Regulation of 1906. The Regulation, it will be seen, will come into force the 1st

75
34

of September 1906.

2. The District Magistrate of Kolar is requested to submit through the Inspector General of Police an exhaustive report on the working of the Regulation after it has been in force for two years, with special reference to its efficiency in preventing thefts and similar abuses, its effect upon the employes of the Companies, and its effect on the non-mining population of the tract to which it applies. The report should also deal with the necessity or otherwise for supplementary legislation of the kind proposed in the omitted clause 17 in regard to the liability to punishment of persons who are present when unwrought gold or mining material suspected to be unlawfully obtained seized, and who are unable to account satisfactorily for their presence.

x "17. (1). Any person who is charged before a Magistrate with being on any premises, at the time when any unwrought gold or mining material reasonably suspected of being stolen or unlawfully obtained is found and seized by any Police officer, and who is unable to satisfactorily account to the Magistrate for his presence there, shall be liable on conviction to the penalty provided in section 20.

(2). Any person may be convicted under this section notwithstanding that no charge is laid or conviction obtained against the tenant or occupier or reputed tenant or occupier of the premises under section 16."

3. The District Magistrate should communicate to the Mining Board the observations of the Government of India concerning the clause ——— for the punishment of corruption

22. "Any workman, contractor, foreman, mining officer, Government servant, or other person, engaged or expecting to be engaged in mining operations or in the work connected with the Government Inspection of Mines, who shall accept any service from any person (or persons) who is concerned or is likely to be concerned in any operation

proceeding or business transacted or likely to be transacted by the person accepting such service or having any other connection with the duties which he or any person to whom he is subordinate or likely to be subordinate is employed to perform, or from any person who is interested in or related to the person so concerned or likely to be concerned, shall be liable on conviction to imprisonment of either description for a term which may extend to three months, or to fine which may extend to five hundred rupees or to both.

Explanation.---- For the purpose of this section 'service' shall be considered to include the payment of any sum, the gift or sale without adequate consideration of any thing and every other favor or gratification of any description whether estimable in money or not ; but not recognized and legitimate remuneration for mining work".

among servants of the Mining Companies etc.; and he should submit a separate reference on the point for orders after a full investigation of the matter, ~~in~~ and after consultation with the Mining Board, the Inspector General of Police and the State Geologist.

13.7.06
Secretary.

To

The State Geologist and the Secy to Govt. Geological Department Mysore

The Inspector General of Police.

The District Magistrate of Kolar.

G.R.S. 26]

File No. 36 77

Serial No.

*Diary No. of letter replied to*

No 286

Govt Con Court

General and Revenue Secretariat

( )

, *the* 190

To

The Superintendent

Govt Press, Bangalore

Date of issue 30-7-06.

Signed by Asst. Secretary

In forwarding herewith a corrected proof of the Mysore Mines Regulation, 1906, has the honour to request him to note the following points directions and send a further proof of the Regulation before publication in the next issue of the Gazette

(i) all italics should be printed in Roman characters

(ii) the numbers of Sub-sections must be in italics

over.

30-7-06

Govt 3-8-06.

SUBJECT.

File No 5-05
Serial No 11

Government of Mysore,

Legislative Department.

-:-:-:-:-:-:-:-:-

Read the following papers:-

No. 9359
Legis. 5-65-11 · Dated 8th Augt 1906.

S No. 21

Order thereon:- Ordered that

the Draft Regulation to consolidate and amend the law relating to mines in Mysore,

which received the assent of His Highness the Maharaja on the 24th day of July 1906, be promulgated.

by
Secy. to Govt., Gen. & Rev. Depts.

To

The Compiler, Mysore Gazette with a copy of Regulation No. IV of 1906, for publication in three successive issues of the Gazette and for supply of 300 spareccpies to this office.

CRB
27.7.06
27-7-06

Erratum no: 976 dated 18th August 1906.

In section 13 of the Mysore Mines Regulation no: IV of 1906 as published in the issues of the Mysore Gazette, Part III, dated the 9th August 1906 and the 16th August 1906, the figure "10" should be inserted between "7" and "11".

By order,

18-8-06
Secretary.

To The Compiler, Mysore Gazette, for publication and for making the necessary changes in section 13 of the rules in the next issue of the Gazette and for sending thirty office copies of the erratum slips.

C.R.S. 13]

(3) Lab

## Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Subject No 2. Discussed before the Representative Assembly of 1906

Protests against some of the provisions of the revised Mysore Rules Regulation, IV of 1906.

Sir W

Sir W having replied that the several representations made would be noted and considered in the light of actual experience when the time came for further amending the laws, the reference will be filed.

PMS 1/11/06 GAV 29/10/06

Yes, ~~sir bow~~ should be filed in connection with the file re Reg IV 1906

29/11

1/12/06

Put the various papers together

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

GPB—30,000—11-4-06

SUBJECT No. 2.

The Mines Regulation.

*Summary of discussion.*— Mr. H.V. Bhima Rao said that that the new Regulation infringed the fundamental principle a man should be presumed to be innocent till he is proved to be guilty; that the liberty of a large number of people in the whole State was at the mercy of the subordinate Police; and that such a Regulation was not in force in British India. It was also represented that the possession of gold ornaments was rendered illegal; that the extension of the Regulation to unwrought gold would surely cause hardship, etc.

The Dewan explained that the Regulation of 1897 cast the onus of proof on the accused in certain circumstances; that this principle therefore was not an innovation newly

introduced by the law of 1906; that the absence of similar legislation in British India was due to the absence of gold mines on a large scale beyond Mysore; that similar legislation was in force in the self-governing British Colonies of Victoria and West Australia and the Transvaal, where they applied to the whole of those colonies; that, in regard to its restrictive provisions, the Mysore Mining Regulation of 1906, just like its predecessor of 1897, applied only to a small area of 200 square miles around the mining area, and not to the whole of the State as was generally misunderstood; and that the Regulation did not apply to wrought gold in the form of ornaments, etc., as was wrongly supposed. The bulk of the population at the Fields was dependent on the mining industry and might with reason suffer some inconvenience for the protection of the industry by which it subsisted. The State as a whole derived considerable benefit from the mining industry and ought to provide for its adequate protection. The Dewan also assured the Assembly that Government would see that undue hardship was not caused, and malicious prosecutions were not instituted, and that needful changes dictated by actual experience would be made as occasion arose.

Some of the members represented that the Regulation should not be extended to other parts of the State where gold or other mines were or might be worked. The Dewan replied that it was not possible to give such an assurance, and that, in the event of mines in other places being worked on as large a scale as the Kolar Mines, and if there should be equal necessity, the Government would be bound to protect the industry in a similar way by extending the Regulation to such places.

Mr. Raghavachar desired that silver-smiths might be exempted from obtaining licenses; but it was observed that such an exemption was not possible, as a silver-smith was equally capable of working in gold.

The Dewan also explained that the Regulation was not published in draft through a regrettable oversight, probably because it was considered to be merely an amending enactment.

Thereupon some of the members expressed themselves satisfied with the explanations given, which removed various misconceptions as to the extent and scope of the Regulation, and with the assurance given that it would be seen that hardship was not caused to the people.

Mr. Sitaramaiya of Shimoga objected to Section 16 of the Regulation as likely to cause hardship to innocent people. The Second Councillor explained that the local

circumstances of the mining camps rendered such a provision necessary. Mr. Sitaramaiya still urged that the section was objectionable and should be repealed, and the Dewan promised to note the representation and consider it when a further amendment of the Regulation came under consideration.

Mr. Ramachar presented a written representation on the subject.

Several other members also took part in the discussion.

*Reply of Government.*—The representations made will be noted and considered in the light of actual experience when the time comes to further amend the law.

Bangalore

13—7—07

My dear Pattanna Chetty,

I enclose for your perusal Petition to the Dewan Sahib on his return from Mr Thomas's W.R. for last week.

You will see from it — & from my remarks — that Mr Thomas & I are fully alive to the importance of working

the amended Regl^n with
great tact & discrimination

I have impressed on
Sir Thomas the necessity
of warning the Police
to only take up cases
under the new section
only under his (Sir T's)
personal instructions

You may assure
the Swan Sanctuary that
we shall use our new

G.R.S. 13]

## Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent records.]

Powers with the greatest discretion

Mr Thomas, as you know, is an Officer thoroughly to be trusted in a delicate position of this sort.

I am going down to the Field tomorrow & may decide on the form of licence etc. which should be issued to dealers handing rice under the Regn.

N. B.—Should routine notes be written on small Slips, the notes must be copied, or slips pasted on this form.

MGCPB—50,000—22-9-04

G.R.S. 12]
General and Revenue Secretariat.

File No. of 190

Serial No.

Please see the Secy's remarks within. I shall send the papers in original to Mr Carr for perusal & return.

17.2.07

2 D (V)

I have communicated the remarks to Mr Carr. These papers may be kept with the file regarding the Amended Mines Regulations

17/2/07.

I have also written to Mr Carr that matters of purely technical nature should not be taken up & that the Subordinate Officers should not be permitted to harass the villagers in the working of the new sections

17/2/07

Dr VII 18.2.07

Note—Contn. sheet

GPB—50,000—23 10-05

47

Confidential weekly Report of the Dist. Supdt of Police, Kolar Gold Fields, ending 5-1-1907.

Monday 31st Dec. - Returned from Camp at Mulbagal

Tuesday, 1st January Office.

Wednesday 2nd do. Office.

Thursday 3rd do Office. Saw the Dy Commissioner.

Friday 4th do. orderly room Ooregaum, orderly rooms Champion Police.

Saturday 5th Office work.

With regard to the new Mines Regulation - I have already reported that it seems to me that the way to proceed is to take up a good test case under each of the more.

Forwarded

(Sd). G.S.

10.1.07.

important new Sections as soon as possible - and to do nothing further till these test cases have clearly established the position.

The most important Sections are:-

1. The "undesirable notice" Section (17).
2. The liability of owner of house" Section (16)
3. The gold dealers" licenses Section (12)(7) etc.
4. The hawkers and pedlars' license Section (18).

The most important of these is the gold dealers Section

With regard to this I do not propose to put up a test case until the licenses and

All the proposed license forms have been made out but it will be as well for all officers who have a voice in the matter to meet and discuss them finally. I hope to

to get a meeting on the 15th January at the K.R.T.

Assess. Smeeth
– Srikanteswaradzi
– Thomas
– Bowring
– Self:

(Sd). F. B. Barr.
12.1.07.

and forms are published, and until further publicity has been given to the whole matter

I understand that the licenses forms are published and that they will very shortly be out.

I have asked the mines to have notices printed explaining the Section, and posted on all the mines. They have promised to do this, and to supply extra copies of the notice which I propose to circulate among village Patels in the mining area, obtaining a written acknowledgment from them and holding them

responsible for the proper Circulation of the notices in their villages. on receiving the notice I will apply officially to the Deputy Commissioner to have this order issued to Patels.

D/Lewis remarks. yes.

D. Es remarks. Good.

I have asked the mine to adopt the same action with their Sanitary overseers - and it should also be adopted with the Govt: Sanitary - Inspectors who look after the Coolg Colonies.

Quite so.

D. C to kindly help us in this.

When these preliminaries are over, I will put up the first good case of Seizure of underweight gold"

That

That we set, as a test case.

With reference to the Section concerning "liability of owner of houses" one very indifferent case has already been put up. It did not settle the matter one way or another since it was not made clear who the "owner" was. I will put up another case of a better kind as soon as one case be found.

With reference to the hawkers and pedlars" Section, nothing can be done till the license forms are out and till these persons have had due warning.

52

I am arranging that the Police and all the Supervisors of Watchmen shall warn all hawkers and pedlars that they will have to take out licenses and after the license forms are out, the first good Case of deliberate disregard of the Section will be taken up.

With regard to the "undesirable notice Section, I regret to say that the Police have made a Complete muddle of the whole thing.

The

The mine Superintendents have used discretion and only a few notices have been issued by them. Some of these have perhaps been too chary of issuing them but this is a fault on the right side. To secure uniformity it has been arranged that the notices issued in all mines should be as much as possible as in the hands of Mr Pritchard. The total number of notices issued by Superintendents of Mines so far is only six.

This is quite as it should be — he is the man who knows best what persons are undesirable

(Init). F. L.

Against this, the Police have issued 174 notices in the Coolie Colonies of which 73 have

actually [illegible]

Not only is this number in gross excess of what it should be, but the notices themselves are in very many cases illegal, having been served on persons who are employed on a mine in direct contravention of Section 17.

The list of undesirables was carelessly prepared. I find that the Inspectors and Head Constables have, in most cases, no personal knowledge of the persons they have reported as "undesirable" and that they have displayed remarkable carelessness over the

This is most careless. Almost as much care should be taken over issuing these notices as in instituting proceedings under Sec. 109-110. Cr.P.C. Both the proceedings have the same object the removal from our jurisdiction of 'undesirables'.

This is rather disquieting & I must work them a small area to supervise the Inspr & Head Constable would at least know the undesirables personally. If men are either incapable of acquiring this knowledge

Probably also did not understand the object and scope of the Section

Or are unwilling (Sd) J. 16.

they should be replaced by more capable men

The whole business.

I have put matters straight as far as possible by cancelling 101 notices en bloc I am cancelling as many of the remainder as I conveniently can and I hope to get the matter set right - but of course all this will have a very bad effect and will look like a ~~Confession~~ of weakness on our part. Still, it is better that the state of affairs as it was as first.

I have opened Registers at all Stations with a Central Register in my office showing all particulars of all

Good

Better not should withdraw the notices than that the Chief Court, ~~we~~ ~~would~~ should still more weaken our hands by throwing out cases in appeal.

(Jno) 7.6.

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all cases taken up under the Regulation with a view to the Report thereon which will have to be submitted at the end of two years: and of course all the cases taken up must be considered with a view to this Report.

quite right.

I foresee no difficulties at all provided the first test cases put up are good cases and carefully handled. After that, we shall know exactly how we stand.

yes.
(Sd). C.S.

There are sundry little weak points in the Regulation which have already appeared, and

The Section which throws the onus probandi on to the accused person, must not be pressed unduly, and independent evidence

no.

evidence shewed as far as possible we relied on, there is naturally a prejudice against this somewhat French method of presuming the accused is guilty until he has proved his innocence.

(Sd). F. B. Lyon-

I quite agree

16/1/907

no doubt others will come to light as the test cases progress. A record will have to be kept of these with a view to the amendment of the Regulation in 2 years time when the Report on it goes up.

(Sd). P. B: Thomas.

7.1.07. Dist Superintendent of Police

Note. - by CJS

The amended mines Regulation gives us, and rightly, enhanced powers in dealing with the criminals on the K.G.F. but I quite agree with you in thinking, that these more stringent Sections should be worked with very great care and

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# Draft of the Mysore Mines Regulation.

"Mining material" includes—

Mining material.

(1) *alluvial gold, gold ores,* native gold, precious stones and other rocks and minerals of value;

(2) gold amalgam, sponge gold, *zinc precipitates, slags, concentrates, tailings, residues* and other valuable mineral products of mines in any stage of treatment or extraction; and mercury, potassium cyanide and other chemicals, *apparatus, tools marked with the distinguishing mark of the mine,* and materials used in such treatment and extraction;

(3) dynamite, nitro-glycerine, blasting gelatine, gelatine dynamite, fuse, detonators and other explosives used or intended to be used in mining operations;

(4) *Stearine candles distinguished by the wax being of a light pink colour;* and

(5) such other materials and things used or intended to be used in mining operations as may be declared by the Government from time to time by notification published in the official Gazette to be mining materials.

*Unwrought gold.*

"*Unwrought gold*" *includes bar gold, gold bullion and any alloy containing gold in any form whatever which though smelted is not made up into articles of jewellery, vessels, coins, or other articles of use or commerce.*

*Gold-dealer.*

"*Gold dealer*" *means any person who buys or sells unwrought gold, or receives unwrought gold by way of barter or pledge.*

*Goldsmith.*

"*Goldsmith*" *means any person who, by profession, melts, refines, or works in unwrought gold or silver, or engages in the melting or manufacture of articles made of gold or silver or of alloys containing gold or silver, and includes a silversmith.*

Inspector of Mines.

"Inspector of Mines" includes any officer to whom all or some of the duties of an Inspector of Mines under this Regulation shall have been delegated, by a general or special order of the Government, so far as the performance of such duties is concerned.

## PROTECTION OF MINING PROPERTY.

*Regn. III of 1897, Section 3.*

Sections 5 to 22 may be applied to specified areas.

4. (1) *The provisions of sections 5 to 22, inclusive, shall not apply to any local area unless extended thereto by the Government by a notification published in the official Gazette.*

(2) *The Government* may, by a like notification, cancel or modify *any notification issued under sub-section (1).*

*Do* *Section 4.*

Mining materials not to be purchased, *conveyed or kept* without written permission.

5. No person shall purchase or take in barter or exchange any mining material belonging to a Mining Proprietor without the written permission of such Mining Proprietor or his Superintendent, nor shall any person, without such written permission, receive, *convey, or, except in such places as may be specially authorised, keep,* any such mining material otherwise than for use for mining purposes on behalf of such Mining Proprietor *or his Superintendent.*

# Draft of the Mysore Mines Regulation.

DRAFT OF A REGULATION *TO CONSOLIDATE AND AMEND THE LAW RELATING TO MINES IN MYSORE.*

*Regn. III of 1897, preamble.*

WHEREAS it is expedient *to consolidate and amend the law relating to Mines in Mysore;* His Highness the Maharaja is pleased to enact as follows:—

Preamble.

PRELIMINARY.

*Do* *Section 1.*

1. This Regulation may be called "The Mysore Mines Regulation, 190 "

Short title.

It extends to the whole of Mysore, and shall come into *force* on the *first day of*————*190* .

Local extent and commencement.

2. *The Mysore Mines Regulation, 1897, and Regulations I and VI of 1900 are hereby repealed.*

*Repeal.*

*Do* *Section 2.*

3. In this Regulation, *unless there be something repugnant in the subject or context,*

Interpretation.

"Mining operation" includes—

Mining operation.

(*a*) the carrying on of any underground or surface work in connection with the prospecting for, or the mining, winning, dressing, milling and treatment of ores, minerals and mineral products of every description;

(*b*) the erecting, making and using of, and otherwise dealing with, for purposes of such work, any railway, tramway, road, building machinery and other plant; and

(*c*) the manufacture, carriage, storage and use of all explosives, chemicals and other materials to be employed in such work.

*"Mining Block" means any block or area of land in and upon which the right to carry on mining operations is held by a Mining Proprietor under a Mining Lease granted by the Government.*

*Mining Block.*

"Mine" *means any* place *above or below ground* where any mining operation is carried on, *and includes all such portions of the surface of any mining block whereon the right of entry has been acquired by purchase or otherwise by a Mining Proprietor.*

Mine.

"Mining Proprietor" or "Proprietor" means any person or persons or company on whose behalf any mining operations are carried on.

Mining Proprietor.

"Mining Superintendent" or "Superintendent" means the person who is the local representative of a Mining Proprietor, and includes an Agent or Manager in charge of any mine on behalf of a Mining Proprietor.

Mining Superintendent.

*Regn. III of 1897, Section 8.*

6. Any person found to be in possession of any mining material without the written permission of a Mining Proprietor or Superintendent, and unable to prove that his possession of the same was obtained in a lawful manner, shall, on conviction before a Magistrate, be liable to *the penalty provided in section 13.*

Penalty for unlawful possession of mining materials.

*Do* *Section 5.*

7. It shall not be lawful for any person *to buy or sell unwrought gold or to receive unwrought gold by way of barter or pledge without a gold dealer's license, nor* to carry on the profession of a goldsmith without a *goldsmith's license* as hereinafter provided.

Licenses required for *gold dealers and* goldsmiths.

*Provided that it shall not be necessary for a Mining Proprietor to take out a goldsmith's license on account of the smelting, refining or other preparation of any gold obtained from his mine by any persons acting on his behalf.*

*Do* *Section 6.*

8. *(1)* The licenses referred to in section 7 may be issued by a Magistrate of the first class on payment of such fees as the Government may by rule prescribe in that behalf, *and every license shall terminate on the 31st day of December of the year in which it is issued.*

Power to grant a license.

*(2) Every gold dealer's and every goldsmith's license and every application for a license, shall, respectively, be in such forms as may be prescribed by Government.*

*Do* *do.*

9. *No license shall be issued to any applicant unless the Magistrate is satisfied that he is a person of good character and reputation, and it shall be in the absolute discretion of the Magistrate to grant or withhold such license as he may think fit. Any license may be cancelled by a First Class Magistrate on the licensee being convicted of any offence—such conviction not being reversed on appeal or in revision—which in the opinion of the Magistrate renders him unfit to hold a license. Provided that any decision under this section* by a Magistrate, other than the District Magistrate, shall be appealable to the District Magistrate, whose order shall be final.

Power to cancel a license.

10. *(1) Every licensed gold dealer shall keep at his place of business a book (hereinafter called a Gold dealer's Register) in which the receipt or disposal of all unwrought gold shall be immediately entered in such form as may be prescribed by Government.*

*Books to be maintained.*

*(2) Every licensed goldsmith shall keep at his place of business a book (hereinafter called a Goldsmith's Register) in which the receipt or disposal of all gold, silver, gold or silver jewellery, unwrought gold or other gold stuff received, treated or disposed of by him shall be immediately entered in such form as may be prescribed by Government.*

*(3) Every gold dealer's register and every goldsmith's register together with any article or items of gold referred to therein and in the possession of the licensee shall be open to inspection at any time by any police officer not below the rank of Chief Constable, or any police officer specially authorised in this behalf by the Superintendent of Police or by a First Class Magistrate; provided that the person making such inspection*

*shall not divulge the result thereof to any person other than a Police officer or Magistrate or by order of a court, under a penalty on conviction not exceeding one hundred rupees.*

*Goldsmiths not to deal with gold, etc., until after three days of receipt.*

11. *No licensed goldsmith shall smelt, work, use or deal with any of the articles directed to be entered in his Register under section 10 until after the expiry of three clear days from the time when such article is received by him. Provided that this section shall not apply to the repairing of articles of jewellery by a goldsmith in any way which does not change or destroy the identity of such articles.*

*Possession of unwrought gold unlawful except in certain cases.*

12. *It shall not be lawful for any person to have in his possession any unwrought gold unless he holds a gold dealer's license or a goldsmith's license or unless he is a Mining Proprietor or duly accredited person acting on behalf of a Mining Proprietor.*

*Regn. III of 1897, Section 9.*

Penalty for breach of section *5, 6, 7, 10, 11* or *12*.

13. Any person committing *an offence under* section *5, 6, 7, 10, 11 or 12* shall, *except in the case mentioned in the proviso to sub-section (3) of section 10*, be liable on conviction to fine not exceeding five hundred rupees, or imprisonment *of either description* for a term which may extend to one year, or both.

*Do Section 10.*

Substitution or addition of whipping in certain cases.

14. It shall be in the discretion of the Magistrate, in the case of any person, not being a female *or other person exempted under section 393 of the Code of Criminal Procedure*, who shall be convicted of a second offence under section *5, 6, 7 or 12*, to award whipping under the provisions of *the Mysore Whipping Regulation, 1903*, either in substitution of, or in addition to, the penalty provided *in section 13*.

*Do Section 7.*

Power to search.

15. Any police officer, not below the rank of an officer in charge of a Police Station, may search any person or any house, building or place for the discovery of any mining material, *unwrought gold* or other thing with, or in respect of, which an offence under this Regulation is reasonably suspected to have been committed.

*Liability of tenant or occupier of premises in regard to unwrought gold or mining material seized therein.*

16. *Any person being the tenant or occupier or reputed tenant or occupier of any premises, at the time when any unwrought gold or mining material reasonably suspected of being stolen or unlawfully obtained is found thereon and seized by any police officer, shall be deemed to have been in possession of such unwrought gold or mining material within the meaning of section 12 or 6, as the case may be, until he proves the contrary.*

*Liability of person present, when unwrought gold or mining material is seized on premises.*

17. *(1) Any person who is charged before a Magistrate with being on any premises, at the time when any unwrought gold or mining material reasonably suspected of being stolen or unlawfully obtained is found and seized by any police officer, and who is unable to satisfactorily account to the Magistrate for his presence there, shall be liable on conviction to the penalty provided in section 20.*

## *SAFETY AND DISCIPLINE OF MINING EMPLOYEES AND INSPECTION OF MINES.*

*Regn. III of 1897, Section 11.*

Government may frame general or special rules.

23. All mining operations carried on in Mysore shall be conducted in accordance with such general or special rules for the prevention of danger to human life or safety, and for the reporting and investigation of accidents and other matters connected with such mining operations, as may, from time to time, be prescribed in that behalf by the Government.

*Do* *Section 12.*

Further rules by Mining Proprietors.

24. (*1*) Each Mining Proprietor may, either directly or through his Superintendent, prescribe, with the previous sanction of the Government, such further rules, not being inconsistent with this Regulation or the rules issued under the last preceding section, for the conduct and guidance of persons who have the management of his mine, and of those who are employed in or about the said mine, as may be considered necessary to meet the particular circumstances of the said mine, and calculated to prevent accidents likely to cause danger to human life or safety, and to provide for the safety and proper discipline of the persons employed in or about the said mine.

(*2*) The Government *may at any time* cancel or vary any sanction granted under this section.

*Do* *Section 13.*

Publication of rules.

25. Every Mining Proprietor and his Superintendent shall publish the rules prescribed under sections 23 and 24 of this Regulation in such manner that all persons engaged in or about the mine shall have an opportunity of knowing adequately such rules as may relate to the work they are employed upon.

*Do* *Section 14.*

Penalty for breach of rules.

26. Every person who contravenes, or does not comply with, any rule duly prescribed *under section 23* shall, for every such offence, be liable to a fine not exceeding one hundred rupees ;

Liability of Superintendent.

and in the case of any contravention of, or non-compliance with, any such rule by any person whatsoever, being proved, the Superintendent of the Mine shall be liable to a like penalty, unless he proves that he had taken all reasonable means, by publishing and, to the best of his power, enforcing the said rule in the working of the mine to prevent such contravention or non-compliance.

*Do* *Section 15.*

Appointment of Inspector of Mines.

27. The Government may appoint an officer to be called the Inspector of Mines, whose duty it shall be to inspect and examine the mines periodically for the purpose of satisfying himself that the provisions of this Regulation and the rules prescribed under sections 23 and 24 thereof are strictly enforced, and for enquiring generally into the mode of carrying on mining operations.

*Do* *Section 16.*

Powers of Inspector.

28. The Inspector of Mines shall have power to do all or any of the following things, namely :—

(i) to make such examination and inquiry as may be necessary to ascertain whether the provisions of this Regulation and the rules framed thereunder are complied with in the case of any mine ;

*(2) Any person may be convicted under this section notwithstanding that no charge is laid or conviction obtained against the tenant or occupier or reputed tenant or occupier of the premises under section 16.*

*Liability of unemployed person ordered off any mine or cooly colony.*

18. *Any person not employed in a mine who shall have been directed to quit such mine by an order in writing signed by the Superintendent of the Mine, and who subsequently to such order remains at or re-enters upon the mine without the permission of the Superintendent, and any person not employed at any mine who shall have been directed to vacate a Government cooly colony by an order in writing signed by the Superintendent of Police, and who subsequently to such order remains in or returns to such Government cooly colony without the permission of the Superintendent of Police, shall be liable on conviction before a Magistrate to the penalty provided in section 20.*

*Licenses required for hawkers and pedlars.*

19. *No hawker or pedlar shall carry on his business without a license in writing obtained for that purpose from a Magistrate of the first class. Licenses shall be issued subject to such conditions and the levy of such fees as Government may prescribe. Any person, carrying on such business without a license as aforesaid, or acting in contravention of any of the conditions of such license, shall be liable on conviction before a Magistrate to the penalty provided in section 20.*

*Penalty for breaches of sections 17, 18 and 19.*

20. *Any person committing an offence under section 17, 18 or 19 shall be liable on conviction to fine not exceeding one hundred rupees or imprisonment of either description for a term not exceeding three months, or both.*

*Cognizability of offences by the Police.*

21. *All offences under sections 5, 6, 7, 10, 11, 12, 16, 17, 18 and 19 of this Regulation shall be cognizable by the police.*

## *PREVENTION OF MISCONDUCT AMONG EMPLOYEES.*

22. *"Any workman, contractor, foreman, Mining officer, Government servant, or other person, engaged or expecting to be engaged in mining operations or in the work connected with the Government Inspection of Mines, who shall accept any service from any person or persons who is concerned or is likely to be concerned in any operation, proceeding or business transacted or likely to be transacted by the person accepting such service or having any other connection with the duties which he or any person to whom he is subordinate or likely to be subordinate is employed to perform, or from any person who is interested in or related to the person so concerned or likely to be concerned, shall be liable on conviction to imprisonment of either description for a term which may extend to three months, or to fine which may extend to five hundred rupees or to both.*

*"Explanation.—For the purpose of this section 'service' shall be considered to include the payment of any sum, the gift or sale without adequate consideration of anything and every other favour or gratification of any description whether estimable in money or not; but not recognised and legitimate remuneration for mining work."*

(ii) to enter, inspect and examine any mine and every part thereof, at all reasonable times by day and night, but so as not to impede or obstruct unreasonably the working of the mine

(iii) to examine into, and make enquiry respecting, the state and condition of any mine or any part thereof and the ventilation of the mine, and the sufficiency of the special rules for the time being in force in the mine, and all matters and things connected with or relating to the safety of the persons employed in or about the mine ; and

(iv) to exercise such other powers as may be necessary for the due discharge of his duties under this Regulation.

The examination and inquiry referred to in this section may be carried on by any officer to whom the Inspector of Mines may, in accordance with a general or special order of the Government, delegate the same.

*Regn. III of 1897, Section 17.*

Mining Proprietor or Superintendent to afford facilities to Inspector.

29. Every Mining Proprietor or Superintendent shall furnish the Inspector of Mines, on requisition, with the means necessary for making any entry, inspection, examination or inquiry under this Regulation, and in case of non-compliance with such requisition, shall be liable to a fine not exceeding one hundred rupees.

*Do Section 18.*

Notice of defects by Inspector of Mines.

30. If the Inspector of Mines finds that in any mining operation, the provisions of this Regulation or of the rules thereunder are not duly observed, or that any mine or part thereof or any matter, thing or practice in or connected with such mine, or with the control, management or direction thereof, is dangerous to human life or safety, or defective so as to threaten or tend to the bodily injury of any person, he may give notice in writing to the Mining Proprietor or his Superintendent, stating the particulars in which he considers the provisions of this Regulation or the rules aforesaid are not observed, or the mine or any part thereof or any matter, thing or practice is dangerous or defective, and require the same to be remedied within a specified time.

*Do Section 19.*

Report to Magistrate and Government.

31. The Inspector of Mines shall forthwith forward to the Magistrate of the District, and to any other Magistrate specially empowered by the Government, a copy of every notice under section 30 which requires anything to be done or remedied so as to prevent danger to human life or safety, and he shall also report to such Magistrate as aforesaid the compliance or non-compliance with every such notice as aforesaid.

The Inspector of Mines shall report to the Government every non-compliance with a notice issued under section 30.

*Do Section 20.*

Objection by Mining Proprietor.

32. If the Mining Proprietor or his Superintendent objects to comply with any requisition in a notice under section 30, he may, within ten days after receipt of the notice, send his objection in writing, stating the grounds thereof, to the Government, and thereupon the matter shall be determined by arbitration in the manner provided by this Regulation.

Provided that nothing in this section shall affect the powers of a Magistrate under section 144 of the Code of Criminal Procedure.

*Regn. III of 1897, Section 21.*

Rules for Arbitrations.

33. Arbitrations under this Regulation shall be conducted in accordance with the following provisions :—

(*a*) Within fourteen days after the lodging of an objection under the last preceding section, the Mining Proprietor or Superintendent, and the Inspector of Mines on behalf of the Government, who shall both be deemed to be parties to the arbitration, shall each nominate an arbitrator.

(*b*) The arbitrators, before entering upon their duties shall nominate another person as umpire.

(*c*) No person who has no knowledge of mining work shall be an arbitrator, and no person who is not a Justice of the Peace or a District Judge or a Magistrate of the first class shall be an umpire ; nor shall any person act as arbitrator or umpire who is employed or interested in the management of the mine to which the arbitration relates. Every objection to the qualification of an arbitrator shall be preferred in writing at the earliest opportunity to the Magistrate of the District, whose decision thereon shall be final :

Provided that no such objection shall be taken after the award has been made.

(*d*) If the arbitrator appointed by either party fails to proceed with the arbitration for seven days consecutively, or if he cannot proceed with it owing to death, sickness or other cause, the other party may, by notice in writing, require the appointment of another person in his place.

(*e*) If the umpire similarly fails to act in the matter of arbitration, either party may call on the arbitrators to appoint another person in his place.

(*f*) If, within seven days after the receipt of a notice under clause (*d*) or (*e*), no new arbitrator or umpire has been appointed, or where the arbitrators do not agree to appoint an umpire, the District Magistrate shall, on the application of any of the parties, appoint a proper person as arbitrator or umpire, as the case may be.

(*g*) The arbitrators or the umpire, as the case may be, may examine the parties and their witnesses on oath; and for this purpose, any Magistrate having local jurisdiction shall, on their requisition in writing, summon the witnesses to appear before them or produce documents in their possession.

(*h*) When both the arbitrators are agreed on the matters referred to them, their decision shall be final; but whenever there is a difference on all or any of such matters the matters in difference shall be submitted to the umpire, whose decision thereon shall be final.

(*i*) The payment (if any) to be made to an arbitrator or umpire for his services shall be fixed by the Government ; and, together with the costs of the arbitration or award (to be taxed as in a proceeding in a Civil Court), shall be paid by the parties or one of them as the award may direct.

(*j*) Every proceeding held by the arbitrators or umpire under this section shall be deemed to be a judicial proceeding within the meaning of sections 193, 219 and 228 of the Indian Penal Code.

(*k*) The Government may, from time to time, make such additional rules as it may deem necessary for the conduct of arbitrations under this Regulation, but not so as to be inconsistent with any of its provisions.

*Regulation III of 1897, Section 22.*

Penalty for non-compliance with Inspector's order or award of arbitrators.

34. Any person who intentionally or negligently omits to comply with a notice under section 30, except when an objection has been duly lodged under section 32, or with the terms of an award made under section 33, shall, for every such omission, be liable to a fine not exceeding one thousand rupees; and in case the omission has been intentional, to a further fine not exceeding one hundred rupees for each day the omission continues:

Provided that the Court, if satisfied that the Mining Proprietor or Superintendent has taken active measures for complying with the notice or award, but has not with reasonable diligence been able to complete the works, may adjourn the proceedings taken before it for punishing the offence, and if the works are completed within a reasonable time, no penalty shall be inflicted.

*Do* *Section 23.*

Imprisonment for offences calculated to endanger the safety of persons.

35. Where any person is guilty of any offence under this Regulation which, in the opinion of the Magistrate who tries the case, is one which was reasonably calculated to endanger the safety of any person or cause serious personal injury to any person or to cause a dangerous accident, and was committed by the personal act, personal default, or personal negligence of the person accused, such person shall be liable, if the Court is of opinion that a pecuniary penalty will not meet the circumstances of the case, to imprisonment *of either description* for a period not exceeding three months.

## SANITATION.

*Do* *Section 24.*

Power of Government to make rules *for sanitation and sanitary administration.*

36. (*1*) The Government may, from time to time, make rules for the special sanitation *and sanitary administration* of any local area within which mining operations may be carried on.

(*2*) *In particular, and without prejudice to the generality of the foregoing provision*, such rules may provide—

(i) for regulating the disposal of kitchen and stable refuse, animal refuse of all kinds, and night-soil or other such offensive matter;

(ii) for conserving and guarding against pollution all sources of water-supply;

(iii) for preventing overcrowding in bazaars, in cooly lines, and in streets or houses for work-people or others;

(iv) for the proper cleansing of drains, sewers, latrines and urinals;

(v) for regulating the keeping of cattle and other animals, the location of sheds for them, and the fixing or licensing of slaughter-houses; and authorising the levy of rent or fees for the use of the same or a fee on each animal slaughtered therein at such rates as may be prescribed from time to time; and

(vi) for the proper and timely treatment of persons affected with cholera or other epidemic disease, and for

preventing the spread of such disease by temporarily prohibiting persons affected or suspected to be affected with it from moving to or from particular specified places or travelling on particular specified routes.

(3) The local area for which the rules under this section are made shall be described in a notification published in the official Gazette.

*Regulation III of 1897, Section 25.*

Constitution of a *Sanitary* Board.

37. (1) For the purpose of carrying out the rules made under the last preceding section, the Government may appoint any persons, official or non-official or *both*, residing within *or in the vicinity of* such area, to constitute a *Sanitary* Board, and invest such Board with powers for the enforcement of the said rules, and prescribe the mode in which such Board shall conduct its business for carrying out the said rules.

(2) *The powers with which the Sanitary Board may be invested under this section include —*

*(a) power to prescribe bye-laws, with the previous sanction of Government, for the special sanitation of the area under its authority and for the conduct of its business;*

*(b) power to levy, with the like sanction, such tax, rate or cess within the said area as a Municipal Council would be competent to levy under the law in force relating to Municipalities.*

*Do* *Section 26.*

Punishment for breach of rules *and bye-laws.*

38. For every breach of a rule *made* under section *36 or of a bye-law made under section 37* the offender shall be liable to a fine not exceeding rupees one hundred.

## GENERAL.

*Do* *Section 28.*

Rules requiring returns and delivery of specimens.

39. The Government may frame rules requiring the delivery of periodical returns of work done, workmen employed, the outturn from the mine of minerals and mineral ores, and such other information as the Government may think fit to demand; and for the furnishing of samples of quartz and other rocks and minerals mined or met with in the course thereof, and prescribe a fine not exceeding one hundred rupees for every breach of such rules.

*Do* *Section 29.*

Abetment of offences under this Regulation.

40. The abetting (within the meaning of the Indian Penal Code) of any offence under this Regulation shall be punishable in the same manner as the offence itself.

*Do* *Section 31.*

Offences against Regulation and rules by whom cognizable.

41. All offences *punishable under* this Regulation and all breaches of any rules *or bye-laws* made thereunder shall be cognizable by the District Magistrate or a Magistrate of the first *or second* class.

*Do* *Section 32.*

Provisions of the Code of Criminal Procedure to apply to searches.

42. The provisions of the Code of Criminal Procedure relating to searches shall, so far as may be, apply to all searches made or instituted under this Regulation.

*Do* *Section 33.*

Publication of rules *and bye-laws.*

43. All rules *and bye-laws* made under this Regulation shall be published in the official Gazette, and shall thereupon have the force of law.

K. S. C.

With this object, it is proposed to make the possession of unwrought gold illegal within the mining area except under cover of a license. This cannot in itself be regarded as an unduly repressive measure. The mining area is a small tract surrounding the Kolar Gold Field, the whole industry of which is essentially dependent on gold mining; and there is no good reason why a person residing within that area should possess or deal in unwrought gold, unless such person is either a goldsmith or a gold dealer; and these latter, if they wish so to deal, can do so under a license, and, if they elect to reside within the mining area, can have no reasonable grounds for objecting to take out a license and to keep proper accounts and registers. Detailed provisions for the licensing of gold dealers and goldsmiths will be set forth in the rules to be framed under the Regulation. The actual restrictions proposed are contained in sections 7 to 12, inclusive, of the Draft Regulation.

It is believed that there is ample precedent in other countries, such as the Transvaal and some of the Australian Colonies, for restricting the possession of and dealing in "unwrought gold" in the manner now contemplated.

6. It is well known that mining materials are frequently found in the huts of coolies, who can evade the law by simply denying possession. Sections 16 and 17 of the Draft Regulation provide in some measure against this undesirable state of affairs by throwing the burden of proof upon the persons in whose possession or in whose premises unwrought gold or mining materials reasonably suspected of being stolen or unlawfully obtained are found. These clauses are of the utmost importance, and without them the sections which prohibit the possession of unwrought gold and mining materials must remain largely inoperative.

7. Section 18 of the Draft Regulation aims at the weeding out of loafers and undesirable characters having no legitimate occupation, who abound in the mining area. The huts on the mining blocks and the cooly colonies on Government land are put up for the accommodation of those engaged in mining operations; and there can be no reasonable objection to closing them against a number of persons who are not required in connection with legitimate mining work and who are probably engaged in crime.

8. Section 19 requires that licenses shall be taken out by hawkers and pedlars. These itinerant dealers, while ostensibly offering for sale only miscellaneous goods in common use, are often themselves dealers in gold, explosives and other mining property, or are the agents of big receivers. It seems only proper that no hawker should ply his trade in the mining area until such enquiry has been made into his character as will satisfy the Magistrate that he is a fit person to hold a license.

9. Section 20 prescribes the penalty for a breach of the provisions of sections 17 to 19.

10. Section 21 makes the offences therein referred to cognizable by the Police,—a matter the desirability of which has been urged by the Mining Board and others acquainted with the conditions in the mining area.

11. Section 22 provides for the punishment of misconduct among persons employed in or about the mines or in mining operations or in work connected with the Government

# DRAFT OF THE MYSORE MINES REGULATION.

*Statement of Objects and Reasons.*

The Mysore Mines Regulation, III of 1897, was passed with the object, among others, of preventing the theft of, and the illicit traffic in, mining materials. It has been in operation for the last seven years; but in order to render it a more effective instrument for the prevention of these offences, it is found necessary to recast and amend its provisions in several important respects. The alterations being numerous, it has been considered desirable to replace the existing law by a fresh Regulation incorporating all the needful changes. Additional matter has been distinguished by italics, and references to the corresponding sections of Regulation III of 1897 given in the margin.

The more important of the changes made will be explained below.

2. *Section 3.*—A definition of "Mining block" has been newly added with reference to the definition of the term "Mine," which latter has been amplified so as to make it clear that mine includes portions of the surface of a mining block whereon the right of entry has been acquired by a Mining Proprietor.

The definition of "Mining material" has also been somewhat amplified, and a new definition of "unwrought gold" inserted in keeping with the enlarged scope of the law, to be explained presently.

The new definitions of "Gold dealer" and "Goldsmith" are also of obvious necessity in connection with the provisions for the licensing of these classes of persons.

3. Section 3 of the existing Regulation has been recast as in section 4 of the Draft, in order to save once for all the repetitions as to local extent in the subsequent sections.

4. Notwithstanding the improvement in Police organisation which has been effected by the State in recent years, there is reason to think that there is still a large and growing trade in gold and auriferous material in the Kolar Gold Field. This is attributable to the fact that the existing Mines Regulation does not touch unwrought gold unless it be proved to be mining material. The Regulation has undoubtedly proved useful in that it prohibits the possession within the mining area of such obvious mining materials as sponge gold, amalgam, auriferous quartz, etc., and that it provides for the licensing of goldsmiths. It fails, however, as soon as any of these auriferous materials have been converted into bar gold; and the result is that the gold thieves are careful now to convert the stolen material, by cleaning and melting, into bar gold as soon as possible. Once this has been done, it requires a long, tedious and expensive analysis to show that such bar gold is mining property; and even when this has been done, the evidence as to the character of the gold, which is of a very technical nature, frequently fails to appeal with sufficient weight to the Court.

5. Such a condition of things as the above can only be remedied when the illicit traffic in gold and its removal rom the mining area are rendered as difficult as possible.

Inspection of Mines, and is based on the provisions of the Mining Rules 182 and 183. This section is added, as the proper place for such provisions is the substantive law itself and not the subsidiary rules.

12. The power reserved to Government to make rules for the sanitary administration of the mining area has been expressed in wider and more general terms in section 36 than in the existing law. A new sub-section has been added to section 37 (corresponding to the present section 25) in order to empower the Sanitary Board to frame bye-laws and to levy taxes and rates, the absence of these powers having been found to cause inconvenience. The proceeds of what is known as the *Mohatarfa* house tax are even now assigned to the Board; but this is not a very satisfactory arrangement, and it is desired to replace it by a system of taxation as in Municipalities, the position and powers of the Sanitary Board being akin in many respects to those of a Municipal Council.

13. Certain provisions embodied in sections 27 and 30 and the last sentence of section 33 of Regulation III of 1897, have been omitted, as they are covered by sections 25, 26 and 21, respectively, of the General Clauses Regulation, 1899.

*Secretary.*

# THE MYSORE MINES REGULATION, 1906.

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# REGULATION NO. IV OF 1906.

*(Passed on the 24th day of July 1906.)*

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***A Regulation to Consilidate and amend the Law Relating to Mines in Mysore.***

WHEREAS it is expedient to consolidate and amend the law relating to Mines in Mysore; His Highness the Maharaja is pleased to enact as follows :—

Preamble.

## PRELIMINARY.

Short title.

1. This Regulation may be called " The Mysore Mines Regulation, 1906."

Local extent and ommencement.

It extends to the whole of Mysore, and shall come into force on the first day of September 1906.

Repeal.

2. The Mysore Mines Regulation, 1897, and Regulations I and VI of 1900 are hereby repealed.

Interpretation.

3. In this Regulation, unless there be something repugnant in the subject or context,

Mining operation.

(*1*) " Mining operation" includes—

(*a*) the carrying on of any underground or surface work in connection with the prospecting for, or the mining, winning, dressing, milling and treatment of ores, minerals and mineral products of every description;

(*b*) the erecting, making and using of, and otherwise dealing with, for purposes of such work, any railway, tramway, road, building machinery and other plant; and

(*c*) the manufacture, carriage, storage and use of all explosives, chemicals and other materials to be employed in such work.

Mining Block.

(*2*) " Mining Block " means any block or area of land in and upon which the right to carry on mining operations is held by a Mining Proprietor under a Mining Lease granted by the Government.

Mine.

(*3*) " Mine " means any place above or below ground where any mining operation is carried on, and includes all such portions of the surface of any mining block whereon the right of entry has been acquired by purchase or otherwise by a Mining Proprietor.

Mining Proprietor.

(*4*) " Mining Proprietor" or " Proprietor " means any person or persons or company on whose behalf any mining operations are carried on.

Mining Superintendent.

(*5*) " Mining Superintendent " or " Superintendent " means the person who is the local representative of a Mining Proprietor, and includes an Agent or Manager in charge of any mine on behalf of a Mining Proprietor.

(*6*) " Mining material " includes—

Mining material.

(*a*) alluvial gold, gold ores, native gold, precious stones and other rocks and minerals of value;

(*b*) gold amalgam, sponge gold, zinc precipitates, slags, concentrates, tailings, residues and other valuable mineral products of mines in any stage of treatment or extraction; and mercury, potassium cyanide and other chemicals, apparatus, tools marked with the distinguishing mark of the mine, and materials used in such treatment and extraction;

(*c*) dynamite, nitro-glycerine, blasting gelatine, gelatine dynamite, fuse, detonators and other explosives used or intended to be used in mining operations;

(*d*) stearine candles distinguished by the wax being of a light pink colour; and

(*e*) such other materials and things used or intended to be used in mining operations as may be declared by the Government from time to time, by notification published in the official Gazette, to be mining materials.

Unwrought gold.

(7) "Unwrought gold" includes bar gold, gold bullion and any alloy containing gold in any form whatever which though smelted is not made up into articles of jewellery, vessels, coins, or other articles of use or commerce.

Gold dealer.

(8) "Gold dealer" means any person who buys or sells unwrought gold, or receives unwrought gold by way of barter or pledge.

Goldsmith.

(9) "Goldsmith" means any person who, by profession, melts, refines, or works in unwrought gold or silver, or engages in the melting or manufacture of articles made of gold or silver or of alloys containing gold or silver, and includes a silversmith.

Inspector of Mines.

(10) "Inspector of Mines" includes any officer to whom all or some of the duties of an Inspector of Mines under this Regulation shall have been delegated, by a general or special order of the Government, so far as the performance of such duties is concerned.

## PROTECTION OF MINING PROPERTY.

Sections 5 to 20 may be applied to specified areas.

4. (1) The provisions of sections 5 to 20, inclusive, shall not apply to any local area unless extended thereto by the Government by a notification published in the official Gazette.

(2) The Government may, by a like notification, cancel or modify any notification issued under sub-section (1).

Mining materials not to be purchased, conveyed or kept without written permission.

5. No person shall purchase or take in barter or exchange any mining material belonging to a Mining Proprietor without the written permission of such Mining Proprietor or his Superintendent, nor shall any person, without such written permission, receive, convey, or, except in such places as may be specially authorized, keep, any such mining material otherwise than for use for mining purposes on behalf of such Mining Proprietor or his Superintendent.

Penalty for unlawful possession of mining materials.

6. Any person found to be in possession of any mining material without the written permission of a Mining Proprietor or Superintendent, and unable to prove that his possession of the same was obtained in a lawful manner, shall, on conviction before a Magistrate, be liable to the penalty provided in section 13.

Licenses required for gold dealers and goldsmiths.

7. It shall not be lawful for any person to buy or sell unwrought gold or to receive unwrought gold by way of barter or pledge without a gold dealer's license, nor to carry on the profession of a goldsmith without a goldsmith's license as hereinafter provided.

Provided that it shall not be necessary for a Mining Proprietor to take out a goldsmith's license on account of the smelting, refining or other preparation of any gold obtained from his mine by any persons acting on his behalf.

Power to grant a license.

8. (1) The licenses referred to in section 7 may be issued by a Magistrate of the First Class on payment of such fees as the Government may by rule prescribe in that behalf, and every license shall terminate on the 31st day of December of the year in which it is issued.

(2) Every gold dealer's and every goldsmith's license and every application for a license, shall, respectively, be in such forms as may be prescribed by Government.

9. No license shall be issued to any applicant unless the Magistrate is satisfied that he is a person of good character and reputation, and it shall be in the absolute discretion of the Magistrate to grant or withhold such license as he may think fit. Any license may be cancelled by a First Class Magistrate on the licensee being convicted of any offence—such conviction not being reversed on appeal or in revision—which in the opinion of the Magistrate renders him unfit to hold a license. Provided that any decision under this section by a Magistrate other than the District Magistrate shall be appealable to the District Magistrate, whose order shall be final.

Power to cancel a license.

10. (*1*) Every licensed gold dealer shall keep at his place of business a book (hereinafter called a gold dealer's register) in which the receipt or disposal of all unwrought gold shall be immediately entered in such form as may be prescribed by Government.

Books to be maintained.

(*2*) Every licensed goldsmith shall keep at his place of business a book (hereinafter called a goldsmith's register) in which the receipt or disposal of all gold, silver, gold or silver jewellery, unwrought gold or other gold stuff, received, treated, or disposed of, by him shall be immediately entered in such form as may be prescribed by Government.

(*3*) Every gold dealer's register and every goldsmith's register together with any article or items of gold referred to therein and in the possession of the licensee shall be open to inspection at any time by any police officer not below the rank of Chief Constable, or any police officer specially authorized in this behalf by the Superintendent of Police or by a First Class Magistrate; provided that the person making such inspection shall not divulge the result thereof to any person other than a police officer or Magistrate or by order of a court, under a penalty on conviction not exceeding one hundred rupees.

11. No licensed goldsmith shall smelt, work, use or deal with any of the articles directed to be entered in his register under section 10 until after the expiry of three clear days from the time when such article is received by him. Provided that this section shall not apply to the repairing of articles of jewellery by a goldsmith in any way which does not change or destroy the identity of such articles.

Goldsmiths not to deal with gold, etc., until after three days of receipt.

12. It shall not be lawful for any person to have in his possession any unwrought gold unless he holds a gold dealer's license or a goldsmith's license or unless he is a Mining Proprietor or duly accredited person acting on behalf of a Mining Proprietor.

Possession of unwrought gold unlawful except in certain cases.

13. Any person committing an offence under section 5, 6, 7, 11 or 12 shall, except in the case mentioned in the proviso to subsection (*3*) of section 10, be liable on conviction to fine not exceeding five hundred rupees, or imprisonment of either description for a term which may extend to one year, or both.

Penalty for breach of section 5, 6, 7, 10, 11 or 12.

14. It shall be in the discretion of the Magistrate, in the case of any person, not being a female or other person exempted under section 393 of the Code of Criminal Procedure, who shall be convicted of a second offence under section 5, 6, 7 or 12, to award whipping under the provisions of the Mysore Whipping Regulation V of 1903, either in substitution of, or in addition to, the penalty provided in section 13.

Substitution or addition of whipping in certain cases.

15. Any police officer, not below the rank of an officer in charge of a police station may search any person or any house, building or place for the discovery of any mining material, unwrought gold or other thing with, or in respect of, which an offence under this Regulation is reasonably suspected to have been committed.

Power to search.

16. Any person being the tenant or occupier or reputed tenant or occupier of any premises, at the time when any unwrought gold or mining material reasonably suspected of being stolen or unlawfully obtained is found thereon and seized by any police officer, shall be deemed to have been in possession of such unwrought gold or mining material within the meaning of section 12 or 6, as the case may be, until he proves the contrary.

Liability of tenant or occupier of premises in regard to unwrought gold or mining material seized therein.

17. Any person not employed in a mine who shall have been directed to quit such mine by an order in writing signed by the Superintendent of the Mine, and who subsequently to such order remains at or re-enters upon the mine without the permission of the Superintendent, and any person not employed at any mine who shall have been directed to vacate a Government cooly colony by an order in writing signed by the Superintendent of Police, and who subsequently to such order remains in or returns to such Government cooly colony without the permission of the Superintendent of Police, shall be liable on conviction before a Magistrate to the penalty provided in section 19.

Liability of unemployed person ordered off any mine or cooly colony.

18. No hawker or pedlar shall carry on his business without a license in writing obtained for that purpose from a Magistrate of the First Class. Licenses shall be issued subject to such conditions and the levy of such fees as Government may prescribe. Any person carrying on such business without a license as aforesaid, or acting in contravention of any of the conditions of such license, shall be liable on conviction before a Magistrate to the penalty provided in section 19.

License required for hawkers and pedlars.

19. Any person committing an offence under section 17 or 18 shall be liable on conviction to fine not exceeding one hundred rupees or imprisonment of either description for a term not exceeding three months, or both.

Penalty for breaches of sections 17 and 18.

20. All offences under sections 5, 6, 7, 10, 11, 12, 16, 17 and 18 of this Regulation shall be cognizable by the police.

Cognizability of offences by the Police.

## SAFETY AND DISCIPLINE OF MINING EMPLOYEES AND INSPECTION OF MINES.

21. All mining operations carried on in Mysore shall be conducted in accordance with such general or special rules for the prevention of danger to human life or safety, and for the reporting and investigation of accidents and other matters connected with such mining operations, as may from time to time be prescribed in that behalf by the Government.

Government may frame general or special rules.

22. (1) Each Mining Proprietor may, either directly or through his Superintendent, prescribe, with the previous sanction of the Government, such further rules, not being inconsistent with this Regulation or the rules issued under the last preceding section, for the conduct and guidance of persons who have the management of his mine, and of those who are employed in or about the said mine, as may be considered necessary to meet the particular circumstances of the said mine, and calculated to prevent accidents likely to cause danger to human life or safety, and to provide for the safety and proper discipline of the persons employed in or about the said mine.

Further rules by Mining Proprietors.

(2) The Government may at any time cancel or vary any sanction granted under this section.

23. Every Mining Proprietor and his Superintendent shall publish the rules prescribed under sections 21 and 22 of this Regulation in such manner that all persons engaged in or about the mine shall have an opportunity of knowing adequately such rules as may relate to the work they are employed upon.

Publication of rules.

Penalty for breach of rules.

24. Every person who contravenes, or does not comply with, any rule duly prescribed under section 21 shall, for every such offence, be liable to a fine not exceeding one hundred rupees;

Liability of Superintendent.

and in the case of any contravention of, or non-compliance with, any such rule by any person whatsoever being proved, the Superintendent of the Mine shall be liable to a like penalty, unless he proves that he had taken all reasonable means by publishing and to the best of his power, enforcing the said rule in the working of the mine to prevent such contravention or non-compliance.

Appointment of Inspector of Mines.

25. The Government may appoint an officer to be called the Inspector of Mines, whose duty it shall be to inspect and examine the mines periodically for the purpose of satisfying himself that the provisions of this Regulation and the rules prescribed under sections 21 and 22 thereof are strictly enforced, and for enquiring generally into the mode of carrying on mining operations

Powers of Inspector.

26. The Inspector of Mines shall have power to do all or any of the following things, namely:—

(i) to make such examination and inquiry as may be necessary to ascertain whether the provisions of this Regulation and the rules framed thereunder are complied within the case of any mine;

(ii) to enter, inspect and examine any mine and every part thereof, at all reasonable times by day and night, but so as not to impede or obstruct unreasonably the working of the mine;

(iii) to examine into, and make enquiry respecting, the state and condition of any mine or any part thereof and the ventilation of the mine, and the sufficiency of the special rules for the time being in force in the mine, and all matters and things connected with or relating to the safety of the persons employed in or about the mine; and

(iv) to exercise such other powers as may be necessary for the due discharge of his duties under this Regulation.

The examination and enquiry referred to in this section may be carried on by any officer to whom the Inspector of Mines may, in accordance with a general or special order of the Government, delegate the same.

Mining Proprietor or Superintendent to afford facilities to Inspector.

27. Every Mining Proprietor or Superintendent shall furnish the Inspector of Mines, on requisition, with the means necessary for making any entry, inspection, examination or inquiry under this Regulation, and in case of non-compliance with such requisition, shall be liable to a fine not exceeding one hundred rupees.

Notice of defects by Inspector of Mines.

28. If the Inspector of Mines finds that in any mining operation, the provisions of this Regulation or of the rules thereunder are not duly observed, or that any mine or part thereof or any matter, thing or practice in or connected with such mine, or with the control, management or direction thereof, is dangerous to human life or safety, or defective so as to threaten or tend to the bodily injury of any person, he may give notice in writing to the Mining Proprietor or his Superintendent, stating the particulars in which he considers the provisions of this Regulation or the rules aforesaid are not observed, or the mine or any part thereof or any matter, thing or practice is dangerous or defective, and require the same to be remedied within a specified time.

Report to Magistrate and Government.

29. The Inspector of Mines shall forthwith forward to the Magistrate of the District, and to any other Magistrate specially empowered by the Government, a copy of every notice under section 28 which requires anything to be done or remedied so as to prevent danger to human life or safety, and he shall also report to such Magistrate as aforesaid the compliance or non-compliance with every such notice as aforesaid.

The Inspector of Mines shall report to the Government every non-compliance with a notice issued under section 28.

Objection by Mining Proprietor.

30. If the Mining Proprietor or his Superintendent objects to comply with any requisition in a notice under section 28, he may, within ten days after receipt of the notice, send his objection in writing, stating the grounds thereof, to the Government, and thereupon the matter shall be determined by arbitration in the manner provided by this Regulation.

Provided that nothing in this section shall affect the powers of a Magistrate under section 144 of the Code of Criminal Procedure.

Rules for Arbitrations.

31. Arbitrations under this Regulation shall be conducted in accordance with the following provisions:—

(*a*) Within fourteen days after the lodging of an objection under the last preceding section, the Mining Proprietor or Superintendent, and the Inspector of Mines on behalf of the Government, who shall both be deemed to be parties to the arbitration, shall each nominate an arbitrator.

(*b*) The arbitrators, before entering upon their duties shall nominate another person as umpire.

(*c*) No person who has no knowledge of mining work shall be an arbitrator, and no person who is not a Justice of the Peace or a District Judge or a Magistrate of the First Class shall be an umpire; nor shall any person act as arbitrator or umpire who is employed or interested in the management of the mine to which the arbitration relates. Every objection to the qualification of an arbitrator shall be preferred in writing at the earliest opportunity to the Magistrate of the District, whose decision thereon shall be final:

Provided that no such objection shall be taken after the award has been made.

(*d*) If the arbitrator appointed by either party fails to proceed with the arbitration for seven days consecutively, or if he cannot proceed with it owing to death, sickness or other cause, the other party may, by notice in writing, require the appointment of another person in his place.

(*e*) If the umpire similarly fails to act in the matter of arbitration, either party may call on the arbitrators to appoint another person in his place.

(*f*) If, within seven days after the receipt of a notice under clause (*d*) or (*e*), no new arbitrator or umpire has been appointed, or where the arbitrators do not agree to appoint an umpire, the District Magistrate shall, on the application of any of the parties, appoint a proper person as arbitrator or umpire, as the case may be.

(*g*) The arbitrators or the umpire, as the case may be, may examine the parties and their witnesses on oath; and for this purpose, any Magistrate having local jurisdiction shall, on their requisition in writing, summon the witnesses to appear before them or produce documents in their possession.

(*h*) When both the arbitrators are agreed on the matters referred to them, their decision shall be final; but whenever there is a difference on all or any of such matters, the matters in difference shall be submitted to the umpire, whose decision thereon shall be final.

(*i*) The payment (if any) to be made to an arbitrator or umpire for his services shall be fixed by the Government; and, together with the costs of the arbitration or award (to be taxed as in a proceeding in a Civil Court), shall be paid by the parties or one of them as the award may direct.

(*j*) Every proceeding held by the arbitrators or umpire under this section shall be deemed to be a judicial proceeding within the meaning of sections 193, 219 and 228 of the Indian Penal Code.

(*k*) The Government may, from time to time, make such additional rules as it may deem necessary for the conduct of arbitrations under this Regulation, but not so as to be inconsistent with any of its provisions.

Penalty for non-compliance with Inspector's order or award of arbitrators.

32. Any person who intentionally or negligently omits to comply with a notice under section 28 except when an objection has been duly lodged under section 30 or with the terms of an award made under section 31, shall, for every such omission, be liable to a fine not exceeding one thousand rupees; and in case the omission has been intentional, to a further fine not exceeding one hundred rupees for each day the omission continues:

Provided that the Court, if satisfied that the Mining Proprietor or Superintendent has taken active measures for complying with the notice or award, but has not with reasonable diligence been able to complete the works, may adjourn the proceedings taken before it for punishing the offence, and if the works are completed within a reasonable time, no penalty shall be inflicted.

Imprisonment for offences calculated to endanger the safety of persons.

33. Where any person is guilty of any offence under this Regulation which, in the opinion of the Magistrate who tries the case, is one which was reasonably calculated to endanger the safety of any person or cause serious personal injury to any person or to cause a dangerous accident, and was committed by the personal act, personal default, or personal negligence of the person accused, such person shall be liable, if the Court is of opinion that a pecuniary penalty will not meet the circumstances of the case, to imprisonment of either description for a period not exceeding three months.

## SANITATION.

Power of Government to make rules for sanitation and sanitaray administration.

34. (*1*) The Government may, from time to time, make rules for the special sanitation and sanitary administration of any local area within which mining operations may be carried on.

(*2*) In particular, and without prejudice to the generality of the foregoing provision, such rules may provide—

(*a*) for regulating the disposal of kitchen and stable refuse, animal refuse of all kinds, and night-soil or other such offensive matter;

(*b*) for conserving and guarding against pollution all sources of water-supply;

(*c*) for preventing overcrowding in bazaars, in cooly lines, and in streets or houses for work-people or others;

(*d*) for the proper cleansing of drains, sewers, latrines and urinals;

(*e*) for regulating the keeping of cattle and other animals, the location of sheds for them, and the fixing or licensing of slaughter-houses; and authorizing the levy of rent or fees for the use of the same or a fee on each animal slaughtered therein at such rates as may be prescribed from time to time; and

(*f*) for the proper and timely treatment of persons affected with cholera or other epidemic disease, and for preventing the spread of such disease by temporarily prohibiting persons affected or suspected to be affected with it from moving to or from particular specified places or travelling on particular specified routes.

(*3*) The local area for which the rules under this section are made shall be described in a notification published in the official Gazette.

Constitution of a Sanitary Board.

35. (*1*) For the purpose of carrying out the rules made under the last preceding section, the Government may appoint any persons, official or non-official or both, residing within or in the vicinity of such area, to constitute a Sanitary Board, and invest such Board with powers for the enforcement of the said rules, and prescribe the mode in which such Board shall conduct its business for carrying out the said rules.

(2) The powers with which the Sanitary Board may be invested under this section include—

(*a*) power to prescribe bye-laws, with the previous sanction of Government, for the special sanitation of the area under its authority, and for the conduct of its business;

(*b*) power to levy, with the like sanction, such tax, rate or cess within the said area as a Municipal Council would be competent to levy under the law in force relating to Municipalities.

Punishment for breach of rules and bye-laws.

36. For every breach of a rule made under section 34 or of a bye-law made under section 35 the offender shall be liable to a fine not exceeding rupees one hundred.

## GENERAL.

Rules requiring returns and delivery of specimens.

37. The Government may frame rules requiring the delivery of periodical returns of work done, workmen employed, the outturn from the mine of minerals and mineral ores, and such other information as the Government may think fit to demand; and for the furnishing of samples of quartz and other rocks and minerals mined or met with in the course thereof, and prescribe a fine not exceeding one hundred rupees for every breach of such rules.

Abetment of offences under this Regulation.

38. The abetting (within the meaning of the Indian Penal Code) of any offence under this Regulation shall be punishable in the same manner as the offence itself.

Offences against Regulation and rules by whom cognizable.

39. All offences punishable under this Regulation and all breaches of any rules or bye-laws made thereunder shall be cognizable by the District Magistrate or a Magistrate of the First or Second Class.

Provisions of the Code of Criminal Procedure to apply to searches.

40. The provisions of the Code of Criminal Procedure relating to searches shall, so far as may be, apply to all searches made or instituted under this Regulation.

Publication of rules and bye-laws.

41. All rules and bye-laws made under this Regulation shall be published in the official Gazette, and shall thereupon have the force of law.

V. P. MADHAVA RAO,

*Dewan.*